



CHAPTER xii.

An Act to consolidate the Sheffield Gas Acts and A.D. 1929.
Orders 1855 to 1928. [27th March 1929.]

WHEREAS by the Sheffield Gas Acts and Orders 1855 to 1928 a list of which is given in the First Schedule to this Act the Sheffield Gas Company (originally incorporated by the Sheffield Gas Act 1855 by the name of the Sheffield United Gas Light Company) are authorised to supply gas within the limits described in the Second Schedule to this Act and to exercise other powers as mentioned in those Acts and Orders :

And whereas the existing ordinary capital of the Company consists of £1,736,968 ordinary stock and the Company are authorised to raise but have not raised additional capital up to the amount of £600,000 by the creation and issue of new ordinary shares or stock and of preference shares or stock :

And whereas the existing loan capital of the Company consists of—

£95,000 4 per cent. debenture stock and
£485,000 7½ per cent. mortgages

and the Company are authorised to borrow on mortgage of the undertaking or raise by the issue of debenture stock (but have not so borrowed or raised) any further sum or sums not exceeding in the whole one-third part of so much of the additional capital of £600,000 as has at the time of borrowing been raised by the Company :

[Price 3s. Net.]

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[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929.

And whereas the Company are authorised to manufacture gas and to work up and convert residual products on the lands described in Part I of the Third Schedule to this Act and to store gas and residual products on the lands described in Part II of that schedule :

And whereas the respective rights of the Company and the Rotherham Corporation with respect to the laying of mains and the supply of gas within an area situate in the limits for the supply of gas of both the Company and the corporation are defined in section 13 of the Rotherham Corporation Act 1904 a copy of which section is for convenience of reference set out in the Fourth Schedule to this Act :

And whereas the respective rights of the Company and the Stocksbridge Gas Company with respect to the laying of mains and the supply of gas within an area situate in the limits for the supply of gas of both the Company and the Stocksbridge Gas Company are defined in section 41 of the Stocksbridge Gas Act 1919 a copy of which section is for convenience of reference set out in the Fifth Schedule to this Act :

And whereas it is expedient to consolidate the Sheffield Gas Acts and Orders 1855 to 1928 :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

GENERAL.

Short title.

1.—(1) This Act may be cited as the Sheffield Gas (Consolidation) Act 1929.

(2) This Act shall come into force on the second day of April nineteen hundred and twenty-nine or the date of the passing of this Act whichever shall be the later.

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

A.D. 1929.

Part I.—General.

Division of
Act into
Parts.

Part II.—Capital borrowing powers &c.

Part III.—Administrative provisions.

Part IV.—Gasworks lands &c.

Part V.—Supply of gas.

Part VI.—Calorific value and pressure.

Part VII.—Coke oven gas.

Part VIII.—Basic prices Application of revenues and profits.

Part IX.—Miscellaneous provisions.

Part X.—Protective provisions.

3. The following Acts and parts of Acts so far as applicable for the purposes of and not inconsistent with the provisions of this Act are (subject to the provisions of this Act) incorporated with this Act (that is to say) :—

Incorporation of Acts.

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking;

The Companies Clauses Consolidation Act 1845 except the provisions thereof with respect to the conversion of the borrowed money into capital and the appointment and duties of auditors and the provisions of that Act so incorporated shall so far as applicable apply to the existing stock and to any ordinary stock and preference stock to be issued under the powers of this Act;

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

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

The Gasworks Clauses Act 1871.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929.

Application
of Gas
Regulation
Act 1920.

4. If any provisions of this Act or any incorporated enactment are inconsistent with the provisions of the Gas Regulation Act 1920 the last mentioned provisions shall prevail as though an order had been made under that Act with respect to the undertaking.

Interpreta-
tion.

5. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by section 1 of the Gas Regulation Act 1920 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction;

“The Company” means the Sheffield Gas Company;

“The former Acts and Orders” means the Acts and Orders mentioned in the First Schedule to this Act and each of those Acts and Orders is referred to as the Act or Order of the year in which it was passed or confirmed by Parliament or made by the Board of Trade as the case may be;

“The undertaking” means the undertaking of the Company for the time being authorised;

“The limits of supply” means the limits within which the Company are for the time being authorised to supply gas and which for the purposes of this Act are defined in the Second Schedule to this Act;

“The Dronfield limits” means the limits within which the Dronfield Gas Light and Coke Company were prior to the coming into force of the Order of 1924 authorised to supply gas namely the urban district of Dronfield and the parishes or townships of Coal Aston Dronfield Woodhouse Holmesfield and Unstone in the rural district of Chesterfield all in the administrative county of Derby;

“Existing” means existing at the passing of this Act;

“The existing stock” means the existing ordinary stock in the capital of the Company;

“ Stockholder ” includes a shareholder but not (except where otherwise mentioned) a holder of debenture stock; A.D. 1929.
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“ The city ” means the city of Sheffield;

“ The corporation ” means the lord mayor aldermen and citizens of the city;

“ Local authority ” means (except where a local authority as defined in the Gas Regulation Act 1920 is expressly referred to) the corporation of any borough and the council of any urban district or rural district;

“ The elected directors ” means the directors of the Company from time to time elected by the stockholders of the Company in pursuance of this Act and of the Acts incorporated therewith and includes the persons holding office as elected directors at the passing of this Act;

“ The nominee directors ” means the directors of the Company from time to time appointed by the Corporation in pursuance of this Act and includes the persons holding office as nominee directors at the passing of this Act;

“ The directors ” means the elected directors and the nominee directors;

“ The net revenue account ” means the profit and loss (net revenue) account of the Company referred to as account E in the Schedule to the Gasworks Clauses Act 1871 or any account which may be substituted therefor under the Gas Regulation Act 1920;

“ Employees ” means persons in the employ of the Company and includes officers and members of the clerical staff;

“ Coke oven gas ” means gas produced from coke ovens.

6. The former Acts and Orders so far as not previously repealed are hereby repealed but notwithstanding the repeal thereof— Repeal.

(a) The Company shall continue incorporated by the name of the Sheffield Gas Company and by

A.D. 1929.

that name shall continue and be a body corporate with perpetual succession and a common seal and with power to purchase take on lease hold and dispose of lands and other property for the purposes but subject to the restrictions of this Act;

(b) All the provisions of the Seventh Schedule to this Act shall have effect; and

(c) The provisions of section 13 of the Rotherham Corporation Act 1904 and of section 41 of the Stocksbridge Gas Act 1919 (copies of which sections are set out in the Fourth and Fifth Schedules to this Act) shall continue to have effect.

General purposes of Company.

7. The Company may continue maintain make repair renew provide alter and discontinue the existing gasworks of the Company and all such retorts gasometers receivers sewers drains machinery fittings meters and other works and apparatus and such houses buildings and approaches and do all such acts as they think proper for making storing and supplying gas within the limits of supply and may manufacture sell and dispose of coke and all other products and residuum of any articles employed in or resulting from the manufacture of gas as they from time to time think fit and may in all other respects carry on the business of a gas company Provided that nothing in this section shall enable the Company to erect or maintain works for the manufacture of gas except on the lands described in Part I of the Third Schedule to this Act or (except as mentioned in section 5 of the Gasworks Clauses Act 1871) to store gas except on those lands and the lands described in Part II of that schedule.

PART II.

CAPITAL BORROWING POWERS &c.

Capital.

8. Notwithstanding the repeal of the former Acts and Orders the Company shall continue to be authorised to raise (in addition to the existing stock) additional capital (in this Act referred to as "the additional capital") to such an amount as shall be sufficient to produce after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the sale thereof the sum of six hundred thousand pounds by

the creation and issue of new ordinary shares or stock and of preference shares or stock or wholly or partially by any one or more of those modes respectively. A.D. 1929.

9.—(1) The additional capital shall be part of the capital of the Company and any ordinary shares or stock forming part of the additional capital and entitled under section 74 (Basic prices and basic rates of dividend) of this Act to a basic rate of dividend of five per centum per annum shall rank *pari passu* with the existing stock. The existing stock and all ordinary stock forming part of the additional capital and so entitled to a basic rate of dividend of five per centum per annum shall in all respects and for all purposes be deemed to form part of one and the same stock. Privileges of holders of additional capital.

(2) The holders of ordinary shares or stock in the additional capital shall in proportion to the amount of their shares or stock be entitled (except as by this Act otherwise expressly provided) to the like rights of voting and other rights qualifications and privileges and be subject to the like provisions and liabilities as the holders of the existing stock.

10.—(1) Notwithstanding the repeal of the former Acts and Orders the Company may in respect of the existing stock borrow on mortgage of the undertaking or raise by the issue of debenture stock any sum or sums not exceeding in the whole (inclusive of the nominal amount of the mortgages and debenture stock of the Company granted or issued before the passing of this Act and for the time being outstanding) the sum of five hundred and eighty thousand pounds. Borrowing powers.

(2) The Company may also borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the whole one-third part of the amount of the additional capital (including premiums thereon) which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any amount so raised until the Company have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

A.D. 1929.

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Appoint-
ment of
receiver.

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

Receiver to
be receiver
for all
mortgagees
for time
being.

12. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 to the contrary all money to be received by a receiver shall be so much money received by or to the use of all the mortgagees for the time being of the Company in the respective proportions to the respective sums for the time being due to the several mortgagees.

Debenture
stock.

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

Priority of
mortgages
and debenture
stock
over other
debts.

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

pari passu with the interest on their mortgages or debenture stock. A.D. 1929.

15.—(1) If the Company desire to raise by the issue of preference shares or stock any part of the additional capital or to issue any debenture stock under the powers of this Act they may create and issue the shares or stock so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by an extraordinary 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—

(a) call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(b) redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor.

(3) For the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock the Company may create and issue new shares or stock (either redeemable or irredeemable) or re-issue shares or stock originally created and issued under this section. Provided that the creation and issue of any preference capital under this section does not make the total nominal amount of preference and ordinary capital issued under this Act exceed the amount of such capital which the Company are by this Act authorised to issue and that the creation and issue of any debenture stock under this section is not in excess of the amount of debenture stock which the Company are for the time being authorised to create and issue under this Act.

(4) The Company shall not redeem out of revenue any shares or stock created under this section.

16.—(1) All shares or stock forming part of the additional capital and all debenture stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

New shares stock and debenture stock to be sold by

(2) All shares stock or debenture stock so to be issued shall be offered for sale by public auction or tender.

auction or tender.

A.D. 1929. tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

(a) Notice of the intended sale shall be given in writing to the respective town clerks of the city and of the county borough of Rotherham and to the clerk of each urban and rural district council whose district or any part of whose district is included in the limits of supply 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 and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply ;

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

(c) No lot offered for sale shall comprise shares stock or debenture 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 and 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.

(3) Any shares stock or debenture stock which have been so offered for sale and are not sold may be disposed of by the directors at a price not less than the reserve price put upon them for the purpose of sale by auction or tender or may be offered at the reserve price to the holders of any ordinary or preference shares or stock or

debenture stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 (as if in those provisions the expression "new stock" included debenture stock and the expression "stockholders" included debenture stock holders) and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only. Provided that if on an offer to holders of shares stock or debenture stock the aggregate amount applied for shall exceed the aggregate amount offered the shares stock or debenture stock shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

A.D. 1929.

(4) Any shares stock or debenture stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold 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 each class of shares stock or debenture stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of shares stock or debenture stock.

17.—(1) Notwithstanding anything in the immediately preceding section of this Act it shall be lawful for the Company with the consent of the Board of Trade and subject to such conditions as the Board may think fit to impose to offer for subscription by the public free from the provisions of that section any shares or stock on which the basic rate of dividend does not exceed six per centum per annum to be created under the powers of this Act or any debenture stock to be so created and on the offer to pay a commission not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe (whether absolutely or con-

Power to offer shares and stock for subscription and to pay commissions.

A.D. 1929.

ditionally) or procuring or agreeing to procure subscriptions (whether absolute or conditional) for any of the shares or stock or debenture stock so offered. 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 the shares or stock or debenture stock.

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

Minimum
holdings of
stock and
shares.

18.—(1) The ordinary stock and shares preference stock and shares and debenture stock of the Company shall be issued and be held in amounts of ten pounds or of any integral number of pounds exceeding ten and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock or shares which would reduce the holding of the transferor below or make the holding of the transferee less than ten pounds of stock or shares of that class.

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

Application
of money.

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

(2) Any premium arising on the issue of debenture stock shall after deducting therefrom the expenses of and incident to the issue be applied in like manner as the money raised by debenture stock and shall not be entitled to interest.

Receipts of
persons
under in-
capacity.

20. If any money is payable to the holder of any share stock debenture stock mortgage or other security issued or granted by the Company who is a minor idiot or lunatic the receipt of the guardian or committee or receiver of his estate shall be a sufficient discharge to the Company.

A.D. 1929.

PART III.

ADMINISTRATIVE PROVISIONS.

21.—(1) The ordinary meetings of the Company shall be held in the month of March in every year or at such other time as shall be appointed for that purpose by a resolution of a general meeting. General meetings.

(2) All general meetings of the Company (whether ordinary or extraordinary) shall be held in Sheffield.

22. The number of stockholders who may require the directors to call an extraordinary meeting shall be not less than twenty stockholders holding in the aggregate at least seven thousand pounds in nominal amount of the capital. Requisition for extraordinary meeting.

23.—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of ordinary shares or stock and of any preference shares or stock to which voting rights are attached by the resolution creating them shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each ten pounds in the nominal value of the shares or stock held by him : Voting rights.

Provided that no such holder shall be entitled to vote at any meeting in respect of any share or stock on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

24. 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 sent to the secretary at the same time as the instrument appointing the proxy. Appointment of proxies.

25. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares Joint holders.

A.D. 1929. or stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect of the shares or 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 those holders so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof.

Proof of
majority of
votes only
required
when poll
demanded.

26. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Number and
quorum of
directors.

27.—(1) The directors of the Company shall be ten consisting of seven elected directors and three nominee directors. Provided that the powers of the directors to execute this Act shall not be dependent on there being in office any nominee director.

(2) The quorum of a meeting of the directors shall be five of whom at least three shall be elected directors.

Provisions
as to elected
directors.

28.—(1) The qualification of an elected director shall be the possession in his own right of ordinary or preference shares or stock of the Company of a total nominal amount of not less than one thousand pounds.

(2) Except in the case of an elected 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 the person intends to offer himself or will be proposed for the office of an elected director shall have been given to the secretary or left at the office of the Company ten days at least before the day of election.

(3) The total remuneration to be paid to all the elected directors (exclusive of any remuneration paid to any managing director) shall not in any year exceed the sum of four thousand pounds.

29.—(1) The corporation from time to time may appoint three persons being members of the city council of Sheffield but not being stockholders in the Company to be three directors in addition to the elected directors and may appoint another such person in the place of every nominee director who resigns dies or becomes incapable of acting or retires or is about to retire under the provisions of this section or ceases to be a member of the said council or becomes a stockholder in the Company.

A.D. 1929.
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Provisions
as to
nominee
directors.

(2) The nominee directors shall retire from office at the ordinary meeting for the election of directors in every year and shall be re-eligible forthwith or by anticipation and except as by this Act otherwise provided the nominee directors shall have the same powers and be subject to the same provisions and regulations as the elected directors.

(3) A certificate in writing of the appointment resignation disqualification or incapacity of any nominee director under the common seal of the corporation or under the hand of the lord mayor of the city shall as soon as conveniently may be after the event therein certified has occurred be deposited at the principal office of the Company and shall as between the corporation and the Company and also as between the Company and the nominee director named in the certificate be conclusive evidence of the fact thereby certified.

(4) The provisions of the Companies Clauses Consolidation Act 1845 with respect to the election qualification retirement from office rotation of directors and supply of occasional vacancies in the office of directors shall not apply to the nominee directors but apply only to the elected directors.

(5) No nominee director shall be entitled to receive any remuneration.

30. The Company may from time to time appoint any one of the elected directors to be the managing director and may at pleasure revoke the appointment and may allow to the managing director in addition to his ordinary remuneration (if any) as a director such remuneration for his services as the directors may from time to time determine.

Managing
director.

To be inserted
hereafter

A.D. 1929.

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Accounts
and audit.

31.—(1) The corporation shall in the month of January in every year appoint an auditor not being a stockholder in the Company for the purpose of auditing the accounts of the Company and in every case of a vacancy in the office of such auditor before the accounts are audited the corporation shall appoint an auditor to supply the vacancy.

(2) It shall be the duty of the auditor half-yearly to audit the accounts of the Company and to receive from the directors the balance sheet required to be presented to the stockholders and to examine it.

(3) The directors shall deliver to the auditor the balance sheet fourteen days at least before the ensuing ordinary meeting at which it is required to be produced to the stockholders or the declaration of any interim dividend as the case may be.

(4) The books of the Company shall be balanced up to the thirtieth day of June and the thirty-first day of December respectively in every year.

(5) For the purposes of his appointment the auditor may examine the accounts of the Company at any time during fourteen days before every ordinary meeting or the declaration of any interim dividend and the Company shall at every examination produce and lay before the auditor the accounts of the Company for the preceding half-year accompanied by proper vouchers for their support and submit to his inspection all books papers and writings relating to the accounts which he may require. The auditor may examine any of the clerks or servants of the Company whom he shall think fit and whom he is hereby empowered to summon before him for the purpose of his examination and he may either make a special report on the accounts or simply confirm them and his report or confirmation shall be read together with the report of the directors at the next ordinary meeting.

(6) The remuneration of the auditor shall be fixed by the corporation and paid to him by the Company but shall not exceed for each half-yearly audit the sum of twenty guineas or such other sum as may be agreed between the directors and the corporation.

Receipts of
treasurer

32. Receipts in writing signed by the treasurer or the managing director of the Company for any money

effects or property paid or delivered to the Company or any person on their behalf shall effectually discharge the persons paying or delivering the money effects or property from all liability in respect thereof.

A.D. 1929.
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 and managing director to be valid discharges.

33. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary to authenticate the register of the holders of shares or stock of the Company by affixing the seal of the Company to the register.

As to stock-holders' register.

34.—(1) The directors may close the register of transfers of ordinary or preference shares or stock for a period not exceeding fourteen days previous to the payment of any interim dividend and they may fix a day for closing the register of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the city.

Closing of transfer books.

(2) The directors may close the register of transfers of debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable. Notice of this subsection shall be stated on all certificates of debenture stock issued by the Company after the passing of this Act.

(3) Any transfer of shares stock or debenture stock made during the time when the register of transfers of that class of security is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the payment of such dividend or interest as aforesaid.

35. 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.

As to remuneration of secretary.

PART IV.

GASWORKS LANDS &C.

36.—(1) The Company may on the lands described in Part I of the Third Schedule to this Act (so long as they are possessed of those lands) continue 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 storing and supplying gas

Gasworks.

A.D. 1929. — and may also upon the said lands (subject to the provisions of section 37 (Residual products) of this Act) work up and convert the residual products arising directly or indirectly from the manufacture of gas. Provided that the Company shall take all reasonable precautions for preventing any nuisance arising from the manufacture of gas on the lands (d) described in Part I of the said Third Schedule.

(2) The Company may also on the lands described in Part II of the Third Schedule to this Act (so long as they are possessed of those lands) continue construct erect and maintain and from time to time alter remove and enlarge works for the storage of gas and residual products obtained in the manufacture of gas and matters producible therefrom and may on those lands store gas and all such residual products as aforesaid.

Residual
products.

37. The Company may—

- (a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture (upon the lands described in Part I of the Third Schedule to this Act and any other lands on which they may for the time being be authorised to manufacture work up or convert residual products of gas) other products of the same kind as the Company are manufacturing from their own residual products. Provided that the quantity of any residual product so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;
- (b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid.

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

38. In addition to any lands vested in the Company at the passing of this Act the Company may for the purposes of the undertaking purchase by agreement but not otherwise and hold any further lands not exceeding five acres in extent Provided that the Company shall not create or permit a nuisance on any lands purchased under this section and that no such lands shall be used by them contrary to the provisions of section 5 of the Gasworks Clauses Act 1871. A.D. 1929.
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Additional
lands.

39. The Company from time to time may sell dispose of and convey for their estate or interest therein all or any part of any lands now or hereafter belonging to the Company and which they consider to be not wanted for the purposes of this Act. Power to
sell lands
not wanted.

PART V.

SUPPLY OF GAS.

40. The limits within which the Company may supply gas shall be the area described in the Second Schedule to this Act Provided that— Limits of
supply.

(a) In the portion of the county borough of Rotherham which is referred to in subsection (1) of section 13 (Adjustment of limits of supply with Sheffield Gas Light Company) of the Rotherham Corporation Act 1904 which section is set out in the Fourth Schedule to this Act the powers of the Company of extending their mains shall be limited as by that subsection provided; and

(b) In the portion of the urban district of Stocksbridge which is defined as "the joint area" in section 41 (As to powers of Sheffield Gas Company) of the Stocksbridge Gas Act 1919 which section is set out in the Fifth Schedule to this Act the powers of the Company of laying mains and supplying gas shall be limited as provided by subsections (3) and (4) of that section.

41. If and whenever the corporation or other body responsible for the public lighting of streets within the limits of supply require the Company by notice in writing addressed to the secretary to light any street under the jurisdiction of the corporation or other body so requiring Extension of
mains when
required by
corporation
&c.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929. — and being a street situate within the limits of supply and not already lighted with gas the Company shall extend their mains into and along that street for the purpose of lighting it with gas. Provided that in every such case the corporation or such other persons shall place and during all contracts with the Company light lamps at distances not exceeding on the average sixty yards from each other along every extension of the Company's mains so required. Provided also that no such new main shall be so required to be laid during the months of November December January and February.

Extension of
mains to be
approved by
corporation.

42.—(1) From time to time before the Company extend any of their mains they shall give to the corporation notice in writing of the desire of the Company to make the extension and the corporation shall consider and determine on the propriety of the extension being made and except as by this Act otherwise provided the Company shall not make any such extension without the previous approval thereof by the corporation.

(2) If the corporation fail for six weeks after notice to them by the Company of the desire of the Company to make any such extension to give notice in writing to the Company of the determination of the corporation thereon the failure shall be deemed an approval by the corporation of the proposed extension.

(3) If the Company be dissatisfied with any determination by the corporation as to any proposed extension the Company may appeal to the court of quarter sessions for the west riding of the county of York and the provisions of the Companies Clauses Consolidation Act 1845 with respect to appeals to quarter sessions shall apply to the appeal. Provided that the court hearing the appeal shall not quash or in anywise alter any determination by the corporation as to any proposed extension so far as it is intended to be carried beyond the limits of the city unless it shall be proved to the satisfaction of the court that such proposed extension so far as it is intended to be carried beyond the last-mentioned limits will yield to the Company a clear profit of five per centum per annum on the probable expense of and incident to the extension beyond those limits.

Company to
lay pipes for

43. Subject to the provisions of the Gasworks Clauses Act 1847 the Company may lay any pipe branches

and other necessary apparatus from any main or branch pipe into through or against any building for the purpose of lighting it and may provide and set up any apparatus necessary for securing to any building a proper and complete supply of gas and for measuring and ascertaining the extent of the supply.

A.D. 1929.

—
lighting
buildings.

44. If the corporation or other the persons having the lighting of the streets within the limits of supply (hereinafter in this section referred to as "the road authority") so require the Company shall supply gas for such lighting either by meter or at a fixed price for every lamp or burner used for the street lighting or partly by meter and partly at such a fixed price as the road authority from time to time elect. Provided that the fixed price shall not exceed thirty-five shillings and two-pence a year for every lamp or burner burning two thousand and two hundred hours a year and consuming on the average four cubic feet of gas an hour. Provided also that on the renewal of any contract between the Company and the road authority for lighting the streets within the limits of supply the road authority shall be entitled to claim or require that the price at which gas shall be supplied per one thousand cubic feet by the Company for every lamp or burner burning two thousand and two hundred hours a year and consuming on an average four cubic feet per hour shall not be more during the continuance of the renewed contract than the average price per one thousand cubic feet at which during the year preceding the renewal of the contract the Company shall have supplied gas to private consumers of more than five hundred thousand cubic feet per annum under any contract or agreement made after the passing of this Act. Any difference which shall arise between the Company and the road authority as to such average price shall be settled by arbitration.

Company to
supply gas
for lighting
streets.

45.—(1) The Company shall at the expense of the owner or occupier of any public or private building or land who so requires lay all necessary pipes to communicate with the Company's mains and provide him with a supply of gas for the purpose of lighting or being used in the building or land and also (if required by him) with a meter (not being more than a sixty-light meter) for ascertaining the quantity of gas consumed by him but the person requiring the communication pipes to be laid

Company to
supply gas
on being so
required and
having
security for
payment.

A.D. 1929, — or the supply of gas or meter to be provided shall (if required by the Company) before he shall be entitled thereto give such security in addition to that given by this Act for payment to the Company of the expense of and incident to the providing laying and repairing of the communication pipes and for the gas to be so supplied and for the meter and the rent thereof as the Company think fit.

(2) If the Company and the person so requiring the pipes or gas or meter cannot agree upon the security to be so given the security shall be determined by a justice and any justice shall on the complaint and application of the Company and the person or either of them determine the amount and nature of the security to be so given and the decision of the justice shall be final and conclusive and the security may be the deposit or prepayment of money.

(3) If the Company after the justice has settled and decided the amount and nature of the security to be so given and after the security is given or tendered to the Company wilfully fail for such number of days not less than seven from the giving or tendering such security as the justice shall appoint or if the Company shall not require the security and shall fail for seven days after request in writing by the person to provide and lay the communication pipes and to furnish the supply of gas or the meter then the Company shall forfeit to the person twenty shillings for every day during which the failure continues.

Certain provisions not to apply within parts of limits of supply.

46. Notwithstanding anything in this Act the provisions of the undermentioned sections of this Act shall not apply to or be in force in the Dronfield limits or in so much of the parish of Aston-cum-Aughton in the rural district of Rotherham as is within the limits of supply.

The sections of this Act above referred to are—

Section 41 (Extension of mains when required by corporation &c.);

Section 42 (Extension of mains to be approved by corporation);

Section 43 (Company to lay pipes for lighting buildings);

Section 44 (Company to supply gas for lighting streets); A.D. 1929.

Section 45 (Company to supply gas on being so required and having security for payment).

47. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act :

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

Provided that the Company shall not exercise the powers of this section with respect to any street or road belonging to or under the control or management of the London Midland and Scottish Railway Company or the London and North Eastern Railway Company except with the consent of the railway company but the consent shall not be unreasonably withheld and if any difference shall arise between the railway company and the Company as to whether any consent is unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road :

Provided also that for the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation shall be deemed in addition to any other persons to be persons having the control or management of any street in the City to which this section relates.

48. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Company a supply or the continuance of a supply of gas for premises having a supply of gas from an installation other than that of the Company unless he shall have previously agreed to pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure and standing charges incurred by them to meet the

Supply of gas when consumer has separate supply.

A.D. 1929. — possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Amending
obligations
as to supply
of gas.

49. Notwithstanding anything in any enactment to the contrary the Company shall not be obliged until the expiration of six months from the service of notice upon the Company requiring them so to do to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of the main is at the date when such notice is served insufficient for the purpose.

Provision of
valve where
high-pres-
sure air is
used.

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

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

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

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

this section the Company may cease to supply gas to him and shall not be under any obligation to resume the supply until the default shall have been remedied to their satisfaction. A.D. 1929.
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(5) The Company shall give notice of the effect of the foregoing provisions of this section—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Company and to whom no demand note for gas charges shall have been delivered before the date of the passing of the Act) on the demand notes for gas charges payable to the Company issued next after that date; and

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

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

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

51.—(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 in the premises where 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. Anti-fluctuators to be used with gas engines.

A.D. 1929.

(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 the 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.

Power to enter premises and to remove fittings.

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

As to stopping supply of gas.

53. The Company shall not exercise the power given to them by section 16 of the Gasworks Clauses Act 1847 incorporated with this Act of stopping the gas from entering the premises of any person supplied with gas by the Company (except in the case of unoccupied premises) unless the person shall neglect to pay the money due from him to the Company for gas or for meters or fittings for seven days after the Company shall have delivered to him or left at his last or most usual known place of abode or upon the said premises a notice in writing of their intention to stop the gas from entering his premises.

54. In all cases in which the Company are by this Act authorised to cut off and take away the supply of gas from any house building or premises then if the house building or premises be unoccupied the Company their agents servants or workmen after giving twenty-four hours previous notice to the owner by serving the notice on him or if the owner be not resident in or within seven miles of the city or be not known to the Company by affixing the notice for three days on some conspicuous part of the house building or premises may enter into it between the hours of nine in the forenoon and four in the afternoon and remove and carry away any pipe meter fitting or other work the property of the Company.

A.D. 1929.

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 Removal of
 meters &c.
 from un-
 occupied
 houses.

55. The Company may refuse to supply gas to any person whose payments for the supply of gas are for the time being in arrear (not being the subject of a bonâ fide dispute) whether the payments be due to the Company in respect of a supply to the premises in respect of which the supply is demanded or in respect of other premises.

Power to
 refuse to
 supply gas
 to persons
 in debt.

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

Notice to
 discontinue
 supply of
 gas.

57. 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 the supply up to the next usual period for ascertaining the register of the meter on those premises or the date from which any subsequent occupier of the premises shall require the Company to supply gas to the premises whichever shall first occur Notice of the effect of this section shall be endorsed on every demand note for gas charges payable to the Company.

Gas con-
 sumers to
 give notice
 to Company
 before re-
 moving.

58. When any money is deposited by any person by way of security with the Company for the payment of any money which may become due to them by him in respect of any supply of gas or of the purchase or hire

Company to
 pay interest
 on deposits.

A.D. 1929. — of any meter the Company shall pay interest at the rate of five per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the sum remains in their hands.

Period of error in defective meters.

59. If any meter used by a consumer of gas on being tested in manner provided by the Sale of Gas Act 1859 is proved to register erroneously within the meaning of that Act the 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.

Charges for meters.

60. The charges which the Company may make for the use of meters supplied by them shall not exceed the following rents :—

For a two-light meter at and after the rate of two shillings and eightpence per annum ;

For a three-light meter at and after the rate of four shillings and fourpence per annum ;

For a five-light meter at and after the rate of five shillings and fourpence per annum ;

For a ten-light meter at and after the rate of six shillings and eightpence per annum ;

For a twenty-light meter at and after the rate of nine shillings per annum ;

For a thirty-light meter at and after the rate of twelve shillings per annum ;

For a forty-five light meter at and after the rate of eighteen shillings per annum ;

For a sixty-light meter at and after the rate of twenty-four shillings per annum ;

For an eighty-light meter at and after the rate of thirty shillings per annum ;

For a one-hundred-light meter at and after the rate of thirty-six shillings per annum ;

For any meter exceeding a one-hundred-light meter a sum equal to ten per centum on the cost of such meter ; and A.D. 1929.
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For any meter less than a one-hundred-light meter and not being a meter above specified a sum in due proportion to the sums above specified :
Provided that the Company shall not be bound to supply any meter exceeding a sixty-light meter.

PART VI.

CALORIFIC VALUE AND PRESSURE.

61. The declared calorific value of the gas supplied by the Company shall continue to be five hundred British thermal units unless and until altered under the provisions of this Part of this Act and notwithstanding the repeal by this Act of the Order of 1921 the Gas Regulation Act 1920 shall continue to apply as though this Part of this Act were an Order made under section 1 of the said Act of 1920. Calorific value.

62. If at any time the Company intend to alter the declared calorific value the Company shall give notice by advertisement in the London Gazette of their intention to supply as from the date to be therein specified and being not less than three months from the date of the notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Act unless and until varied by subsequent declaration under the provisions of this Part of this Act. Variation of declared calorific value.

A copy of the notice shall be sent to each local authority (as defined in the Gas Regulation Act 1920) within the limits of supply and to every consumer of gas supplied by the Company and to the Board of Trade.

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

A.D. 1929.

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Testing
places.

64.—(1) For the purposes of section 5 of the Gas Regulation Act 1920 the places hereinafter in this subsection mentioned shall (unless and except so far as may be otherwise agreed between the Company and the corporation) be deemed to be prescribed testing places under that section in addition to any other testing place for the time being prescribed by the gas referees in respect of the undertaking viz. :—

- (i) The existing testing place at the Grimesthorpe Works on the lands (c) described in the Third Schedule to this Act;
- (ii) The existing testing place provided by the Company by agreement with the corporation at No. 10 Lady's Bridge in the city for testing both gas manufactured at the Neepsend Works on the lands (a) described in the Third Schedule to this Act and gas manufactured at the Effingham Street Works on the lands (f) described in that schedule and intended to be continued as a testing place unless and until in substitution therefor other testing places shall (by agreement with the corporation) be provided by the Company at the Neepsend Works and Effingham Street Works respectively.

(2) If the corporation shall at any time after the passing of this Act (a) at their own expense provide a suitable office situate within one hundred yards of the south-west corner of the court house in Sheffield (namely the corner where the two streets called respectively Castle Street and Waingate meet) or in any other situation within the city to be from time to time agreed between the Company and the corporation or in case of difference fixed by the court of quarter sessions of the west riding of the county of York and (b) by an order under their common seal request the Company to erect and maintain in that office apparatus for testing the gas supplied by the Company then the Company shall within two months from the receipt of such order at the expense of the corporation erect in that office such apparatus as may be prescribed by the gas referees under the said section 5 and during the continuance of such order at their own expense maintain and keep the apparatus in working order and condition and that office shall be

deemed to be an additional prescribed testing place for the purposes of the said section 5. A.D. 1929.

65.—(1) The corporation may from time to time (if they think fit) appoint a practical chemist or other competent person to test the quality of the gas supplied by the Company and the Company shall pay him a remuneration for his services to be fixed by the corporation not exceeding twenty guineas a year or such other annual sum as may be agreed between the directors and the corporation.

Corporation
may appoint
person to
test.

(2) The chemist or other person so appointed may at all reasonable times in the day time on giving two hours' previous notice in writing to the Company and producing a certificate under the hand of the lord mayor of the city of his appointment enter any works of the Company within the city where testing apparatus is maintained in pursuance of subsection (1) of section 64 (Testing places) of this Act for the purpose of making and forthwith in the presence of the superintendent or other officer of the Company (if he thinks fit to be present) make by means of the apparatus so maintained experiments on the calorific value and purity of the gas supplied by the Company and in the experiments the Company their officers and servants shall render all necessary assistance.

(3) The chemist or other person so appointed may also at all reasonable times in the day time on giving sufficient notice to enable a representative of the Company to attend and producing a certificate under the hand of the lord mayor of his appointment enter the office where testing apparatus is maintained under subsection (2) of section 64 (Testing places) of this Act for the purpose of making and forthwith in the presence of the superintendent or other officer of the Company (if he thinks fit to be present) make by means of the apparatus so maintained experiments on the calorific value and purity of the gas supplied by the Company and in the experiments the Company their officers and servants shall render all necessary assistance.

(4) It shall not be lawful for the corporation or the chemist or other person so appointed as aforesaid to publish or make public the result of any experiments they may at any time make unless such notice as is

A.D. 1929. — required by subsection (2) or subsection (3) of this section to be given before the making of the experiment shall have been duly given.

Pressure.

66. When the declared calorific value is below three hundred and fifty British thermal units but not below three hundred British thermal units the minimum permissible pressure at which the gas may be supplied shall be two and a half inches.

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

PART VII.

COKE OVEN GAS.

Supply of
coke oven
gas.

67.—(1) The Company may enter into and carry into effect contracts and agreements with any company body or persons producing coke oven gas within the limits defined in subsection (4) of this section with reference to the purchase and taking by the Company from the company body or persons of a supply of coke oven gas whether in bulk or otherwise and the Company may by agreement supply coke oven gas to any authority company or person within the limits of supply for any purpose but the Company shall not supply gas for lighting purposes except subject to the provisions of section 70 (Supply of coke oven gas for lighting purposes in certain events) of this Act.

(2) None of the provisions of this Act or any Act incorporated therewith or of the Gas Regulation Act 1920 with respect to the calorific value purity pressure testing or price of the gas supplied by the Company shall apply to any coke oven gas supplied under the provisions of this section for purposes other than lighting and by means of mains or pipes through which other gas is not supplied but nothing in this section shall deprive any person within the limits of supply of any right which he may possess under this Act of requiring a supply of gas of the calorific value purity and pressure prescribed by or under this Act or any incorporated enactment or the Gas Regulation Act 1920.

(3) For the purposes of subsection (1) of this section the Company may lay down repair take up alter relay and renew mains pipes and culverts within the limits defined in subsection (4) of this section 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 shall so far as applicable for the purposes of this section extend and apply *mutatis mutandis* to and for those purposes throughout the limits so defined but nothing in this section shall authorise the Company nor shall the Company be under any liability whether under this section or otherwise to supply gas to any person or premises situate outside the limits of supply. A.D. 1929.

(4) The limits hereinbefore referred to are (a) the limits of supply and (b) the rural district of Wortley and so much of the rural district of Rotherham in the west riding of the county of York and of the rural district of Chesterfield in the county of Derby as is outside the limits of supply but within three miles of any part of the following areas as respectively existing on the second day of August nineteen hundred and seventeen viz. (i) the city (ii) the area (now part of the city) comprising and known on the said date as the urban district of Handsworth and (iii) the parish of Ecclesfield but excepting and exclusive of so much of the parish of Brinsworth in the said rural district of Rotherham as is situate to the northward of the road leading from Tinsley past Canklow Church to Wickersley and known as the Bawtry Road.

68.—(1) It shall not be lawful for the Company at any time to supply coke oven gas which does not possess a distinctive and readily perceptible smell. Conditions as to quality of coke oven gas supplied.

(2) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and those inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 and by section 98 of

A.D. 1929. — the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

Provided that no proceedings shall be taken against the Company by any inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of the contravention and of the nature of the contravention as soon as possible after he discovers it.

Restriction
on supply of
coke oven
gas for illu-
mination.

69. The Company shall not (except as mentioned in the next succeeding section of this Act) supply coke oven gas for the purpose of illumination and no coke oven gas supplied by the Company shall be used for that purpose.

If any person supplied by the Company with coke oven gas shall use the same for the purpose of illumination the Company shall (except as aforesaid) forthwith upon becoming aware thereof discontinue the supply.

If the Company act in contravention of the provisions of this section they shall for every offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Supply of
coke oven
gas for light-
ing purposes
in certain
events.

70.—(1) Nothing in the immediately preceding section of this Act shall restrict the Company from supplying coke oven gas for lighting purposes or the use for those purposes of coke oven gas so supplied if the coke oven gas is of the calorific value and purity and is supplied at the pressure for the time being prescribed by or under this Act and the Gas Regulation Act 1920.

(2) The Company shall in respect of coke oven gas supplied for lighting purposes be subject to all and the same obligations penalties and liabilities as they may for the time being be subject and liable to in respect of any other gas supplied by them for those purposes and any coke oven gas supplied for lighting purposes may notwithstanding anything in sub-section (2) of section 67 (Supply of coke oven gas) of this Act be tested in like manner as other gas supplied by the Company for those purposes.

Home
Secretary
may make

71.—(1) The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of

coke oven gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply.

A.D. 1929.

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regulations
as to supply
of coke oven
gas.

(2) The Company shall not under the powers of this Part of this Act supply or continue to supply coke oven gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force. Provided that if in the opinion of the Company compliance with any of those regulations terms and conditions would render the supply or continued supply of coke oven gas by them unremunerative or impracticable it shall be lawful for the Company on giving to all consumers of coke oven gas supplied by them not less than three months' notice of their intention so to do to discontinue the supply and in that event the Company shall not be under any obligation to supply or to continue to supply coke oven gas to any person.

(3) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in section 68 (Conditions as to quality of coke oven gas supplied) of this Act.

72.—(1) If any local authority or company supplying gas in any parish outside the limits of supply in which the Company have before the passing of this Act laid mains under the provisions of section 36 of the Act of 1917 or shall have laid mains under the provisions of section 67 (Supply of coke oven gas) of this Act shall request the Company to supply them with coke oven gas the Company shall notwithstanding anything to the contrary in subsection (3) of that section 67 but subject as hereinafter provided supply coke oven gas and for that purpose shall permit the authority or company to

Supply of
coke oven
gas in tran-
sit.

A.D. 1929. connect the necessary pipes and apparatus with the
— Company's said mains Provided that—

(a) the connection and the works incidental thereto shall only be executed in such manner as shall be approved by the Company and under the supervision of their engineer and all expenses of the connection and incidental works including any expenses reasonably incurred by the Company in regard thereto shall be paid by the authority or company making the connection;

(b) the Company shall only supply coke oven gas to any such authority or company if and so long as a sufficiency remains to satisfy the demands for coke oven gas within the limits of supply; and

(c) the Company shall not directly or indirectly supply coke oven gas for any purpose within or for use within the parish of Beighton in the county of Derby and so much of the parish of Aston-cum-Aughton in the west riding of the county of York as is outside the limits of supply except to or with the consent of the Beighton and District Gas Company Limited so long as that company shall be supplying gas within that parish and portion of parish except to any local authority or company which may hereafter be authorised by Parliament to supply gas in that parish and portion of parish or either of them.

(2) The price to be paid by any such authority or company for any coke oven gas supplied to them shall as nearly as may be be equal to the price paid to the Company for coke oven gas supplied in similar quantities within the limits of supply.

(3) Nothing in this section shall be deemed to authorise the Company or any such local authority or company as aforesaid to lay mains or pipes or to break up or interfere with any street or bridge or impose upon the Company any obligation to lay mains or pipes for the purpose of affording a supply of coke oven gas to any such authority or company but this enactment shall not prejudice or affect any of the powers authorities or

obligations with regard to laying mains or pipes or breaking up or interfering with streets and bridges conferred or imposed upon the Company by this Act or any general Act or upon any such local authority or company by any general or local Act. A.D. 1929.
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(4) Subsection (2) of section 67 (Supply of coke oven gas) and subsection (2) of section 71 (Home Secretary may make regulations as to supply of coke oven gas) of this Act shall apply to coke oven gas supplied under the provisions of this section as if it were supplied under the provisions or powers of section 67.

73. Nothing in this Part of this Act shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of coke oven gas passed before or after the passing of this Act or from any regulations which may be made under such general Act. As to
general
Acts re-
lating to
coke oven
gas.

PART VIII.

BASIC PRICES APPLICATION OF REVENUES AND PROFITS.

74.—(1) The basic prices of gas supplied by the Company shall be— Basic prices
and basic
rates of
dividend.

(i) for gas supplied within any part of the limits of supply other than the Dronfield limits the price of sevenpence per therm;

(ii) for gas supplied within the Dronfield limits the price of tenpence per therm.

(2) The said basic prices may at any time and from time to time be revised by an order made by the Board of Trade under section 1 of the Gas Regulation Act 1920 in the like circumstances on the like conditions and in the like manner as the prices could be revised if originally authorised by an order made under that section and on the making of any such order this Act shall have effect as if the basic prices authorised by the order were substituted for the said prices of sevenpence per therm and tenpence per therm respectively.

(3) The basic rates of dividend on the ordinary capital of the Company shall be—

(i) on the existing stock the rate of five per centum per annum;

A.D. 1929.
—

- (ii) on any ordinary shares or stock to be issued after the passing of this Act such rate per centum per annum (not exceeding seven per centum) as may be authorised by the resolution creating the shares or stock.

(4) The Company may (subject to the provisions of the next following section of this Act) charge for gas more or less than the basic prices but except as by this Act otherwise provided the Company shall not in respect of any one year pay any dividends on the ordinary capital in excess of the basic rates.

Uniform
charge for
gas.

75. The Company shall charge all consumers for gas supplied to them at the same price per therm. Provided that—

- (i) This section shall not apply to gas supplied for public lighting or gas supplied under any special contract with any consumer whose consumption amounts to or exceeds five hundred therms per year; and
- (ii) The Company may charge for gas supplied to consumers within the Dronfield limits prices exceeding by not more than threepence per therm the prices charged to similar consumers within the remainder of the limits of supply.

Measure of
therms sup-
plied.

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

Division of
surplus pro-
fits if price
of gas less
than basic
price.

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

(2) If and so far as the balance standing to the credit of the net revenue account (after providing for dividends on the preference capital (if any) and divi-

dends at the basic rates on the ordinary capital) in the opinion of the directors permits a sum not exceeding one-third of the consumer's benefit shall be applied in two equal parts for the benefit of the holders of ordinary capital and for the benefit of the employees in manner hereinafter mentioned. A.D. 1929.
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(3) The sum so to be applied for the benefit of the holders of ordinary capital may be applied in the increase of the dividends above the basic rates and if and so far as not so applied shall be carried to the reserve fund maintained under section 78 (Reserve fund) of this Act.

(4) The sum so to be applied for the benefit of the employees shall (subject as hereinafter provided) be carried in such proportions as the directors may from time to time deem proper to the superannuation fund of the Company and to any fund formed or to be formed in connection with any profit sharing scheme for the time being in force whether under section 15 (Profit-sharing) of the Act of 1922 or under section 86 (Profit-sharing) of this Act or wholly to the last-mentioned fund. Any money so carried to any fund formed in connection with a profit sharing scheme shall be credited to the employees participating in the scheme as a uniform percentage of bonus on the total salaries and wages of those employees during the year or half-year to which the money relates :

Provided that the directors may in their discretion determine that the sum so to be applied for the benefit of the employees or some part of that sum shall be distributed amongst all the employees who were in the employ of the Company at any time during the year or half-year to which the sum relates in the form of a bonus representing a uniform percentage on the salaries or wages of the employees during the year or half-year.

(5) Any balance of the profits of the Company not applied as aforesaid shall be left at the credit of the net revenue account and carried forward to the next following year or half-year subject to the provisions of section 82 (Limit on carry forward) of this Act.

78.—(1) Any money carried by the Company to the reserve fund under the immediately preceding section of this Act shall be added to the existing reserve fund and may be invested in any securities in which trustees Reserve fund.

A.D. 1929. — are authorised by law to invest or in such other manner as shall be authorised by a resolution of the Company or may be placed on deposit at interest with the Company's bankers and the dividends and interest arising from such securities or money on deposit may be also invested or placed on deposit in like manner so as to accumulate at compound interest.

(2) Except as provided by subsection (3) of the immediately preceding section no sum shall after the commencement of this Act be carried by the Company to any reserve fund.

(3) The reserve fund maintained under this section (including the existing reserve fund) shall be applicable in or towards increasing above the basic rates the dividends on the ordinary capital of the Company for any year or half-year or in or towards the payment of dividends on the ordinary capital at the basic rates for any year or half-year in which the profits of the Company shall be insufficient for the payment of dividends at the basic rates or to such other purpose or purposes as the directors may determine.

As to rates
of dividends
on different
classes of
ordinary
capital
inter se.

79.—(1) If in any year the funds of the Company applicable to the payment of dividend are insufficient to pay the full basic rates of dividend on each class of ordinary capital the dividend paid on each class shall be in proportion to the basic rates.

(2) If in any year the Company pay dividends (under the provisions of this Act) on the ordinary capital at rates which exceed the basic rates the excess over the basic rates shall be the same rate per centum for each class of ordinary capital.

Interim
dividends.

80. If and so long as the ordinary meetings of the Company are held once only in each year the directors may on or after the thirtieth day of June in any year (without the sanction or direction of a general meeting) declare and pay out the funds of the Company applicable to dividend an interim dividend on account of the dividend for that year to be declared at the next following ordinary meeting but the amount of any such interim dividend shall not exceed—

(a) on any ordinary capital the amount of dividend payable for half a year at the basic rate applicable to that capital together with (if the Com-

pany keep half-yearly accounts) such additional amount as may (under sections 77 (Division of surplus profits if price of gas less than basic price) and 78 (Reserve fund) of this Act) be applied in or towards payment of dividends on that capital in respect of the half-year to which the interim dividend relates; and

A.D. 1929.

- (b) on any preference capital one half the preferential annual rate of dividend (not exceeding five per centum per annum) assigned thereto.

81. If any dividend on any shares or stock not being debenture stock in the capital of the Company whether already declared or hereafter to be declared shall remain unpaid for twelve years after the time when it shall have become or shall become payable the directors may declare that the dividend shall be forfeited to the Company and if so declared to be forfeited the dividend shall be treated as part of the profits of the Company for the year during which it shall become so forfeited.

Unclaimed dividends after twelve years may be forfeited.

82. It shall not be lawful for the Company to carry forward at the end of any year to the credit of the net revenue account any sum exceeding the amount which will be required for paying one year's dividends on the preference capital (if any) and one year's dividends at the basic rates on the ordinary capital.

Limit on carry forward.

83.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company to the special purposes fund of the Company.

Special purposes fund.

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

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

A.D. 1929.

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

(4) The money forming the special purposes fund or any portion thereof may be invested in any securities in which trustees are authorised by law to invest or in such other manner as shall be authorised by a resolution of the Company or may be placed on deposit at interest with the Company's bankers or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other or others.

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

(6) For the purposes of this section the paid-up capital of the Company shall mean the total of (i) the sum of eight hundred and seventy-seven thousand seven hundred pounds being approximately the amount of cash received by the Company on the issue of shares stock or loan capital which at the passing of this Act are represented by the existing stock and (ii) the actual amount of cash which for the time being shall have been received by the Company on the issue of ordinary or preference shares or stock after the passing of this Act.

Benefit
fund.

84.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding four thousand pounds to the benefit fund of the Company Provided that the amount for the time being standing to the credit of the benefit fund shall not at any time exceed the sum of twenty thousand pounds.

(2) The directors may out of the benefit fund grant a gratuity of any sum or make any pensions or other allowances payments or benefits to any employees who may be disabled or injured in or may be retired from or become incapacitated through age permanent injury or other infirmity from continuing in the service of the Company or to the widow or family or dependents of any such employee on such terms and conditions as to

contributions by the employees or otherwise as the directors may think fit Provided that it shall not be obligatory on any present or future employee of the Company to become a party to any arrangement made under this section for securing to him or his widow family or dependants any gratuity pension or other allowance payment or benefit. A.D. 1929.

(3) The benefit fund shall be applicable for the purposes of this section and for no other purpose whatsoever.

(4) 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 or the widow family or any dependant of any such employee gratuities pensions or other allowances payments or benefits as aforesaid and may make payments out of the benefit fund for the purpose of the agreement.

(5) The money forming the benefit fund shall be either invested in securities in which trustees are authorised by law to invest or in such other manner as shall be authorised by a resolution of the Company or placed on deposit at interest with the Company's bankers.

(6) Every gratuity pension or other allowance payment or benefit secured made or granted under this section shall be payable to or in trust for the employee person widow or dependant to whom it shall be made or granted and shall not be assignable or chargeable with the debts or other liabilities of the employee person widow or dependant.

(7) If the Company shall under the powers of this section make any scheme involving contributions by their employees the scheme shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

85.—(1) The directors may out of the revenues of the Company as part of the expenditure on revenue account grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee. Power to grant pensions &c.

A.D. 1929.
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(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 such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(3) Provided that the payments to be made by the directors under subsection (1) of this section and any premiums paid by the directors under subsection (2) of this section shall not in any year together with the sum appropriated to the benefit fund in that year under the immediately preceding section of this Act exceed in the aggregate four thousand pounds excluding any contributions made by the Company or the directors in that year to the superannuation fund.

PART IX.

MISCELLANEOUS PROVISIONS.

Profit-
sharing.

86.—(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 modify alter or rescind the existing scheme or prepare put in force and from time to time modify alter or rescind a new 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 the employee.

(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 ten 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 the stock for sale by public auction or tender. Provided that any 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 market price at such price as shall be determined by the Company's auditors to be a fair price.

A.D. 1929.

(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 the employee and pay interest thereon out of the revenues of the Company.

87.—(1) The regulations respectively set forth in Parts I and II of the Sixth 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 already established or which may be established enabling the employees or any of them to participate in the profits of the Company and (b) to any money already deposited or which may be deposited with the Company by any employee otherwise than under any such scheme.

Regulations affecting profit-sharing scheme.

(2) The Board of Trade if they think fit may at the request of the Company by Special Order made under section 10 of the Gas Regulation Act 1920 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.

88. In any case in which the Company are required to serve any notice on or to give any notice to the consumers of gas supplied by them in the whole or any part of the limits of supply the Company shall not for any purpose be required to furnish proof of the service of the notice on or the giving of the notice to any particular consumer if they have advertised the notice in the London Gazette and in such newspaper or newspapers published or circulating within the limits of supply or within that part of those limits to which the

As to proof of service of notices upon consumers.

A.D. 1929. — notice relates as will in the opinion of the directors best give publicity to the notice.

Newspaper
for adver-
tisements.

89. The newspaper for notices by advertisement shall (except where otherwise in this Act expressly provided) be some Sheffield newspaper.

Penalty for
interrupting
officers of
Company.

90. If any person wantonly or maliciously hinder or interrupt the Company or any of their agents servants or workmen in the exercise of any of the powers of this Act or in anywise cause or procure the same to be done he shall for every such offence forfeit to the Company a sum not exceeding five pounds and also the full amount of the damage sustained by the hindrance or interruption.

Costs of dis-
tress.

91. Any justice who issues any warrant of distress for any of the purposes of this Act may order that the costs of the Company of and incident to the recovery of the money to be levied shall be paid by the person liable to pay that money and those costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of the money and any such warrant may contain in the body thereof or in a schedule thereto several names and several sums :

Provided that unless on cause being shown by the Company to any justice he see fit to issue his warrant of distress without a previous summons he shall not issue his warrant of distress unless the party complained against be previously summoned by a justice to appear before him or some other justice at a time and place named in the summons and the time for the appearance have elapsed.

Proof of
debts in
bankruptcy
and insol-
vency.

92. The provisions of the Companies Clauses Consolidation Act 1845 enabling the secretary or treasurer to represent and act for the Company in proceedings against the estate of any bankrupt or insolvent or under any fiat sequestration or act of insolvency shall extend to enable any director or any person authorised by the Company under their common seal to represent and act for the Company therein.

Proceedings
in bank-
ruptcy &c.

93. The secretary or treasurer or any director of the Company or any person authorised by any special or general authority under the common seal of the Company may represent and act for the Company in any proceedings in a bankruptcy court or county court in

all respects as if the proceedings were the proceedings of the secretary treasurer or director or other person and not of the Company. A.D. 1929.
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94.—(1) No person shall be disqualified as a director by being a commissioner or trustee under any Act of Parliament for any public purposes within the limits of supply and no stockholder of the Company shall be disqualified as such commissioner or trustee by reason of any contract between the Company and the commissioners or trustees. Provided always that no commissioner or trustee who is a director or stockholder shall act or vote at any meeting of the commissioners or trustees or at any committee appointed by the commissioners or trustees on any question or with reference to any matter in which such director or stockholder has a direct or indirect interest as a stockholder. Stock-holders and directors not disqualified as commissioners &c.

(2) A person shall not by reason of his being a stockholder of the Company be disqualified from being or acting as a member of the corporation or be liable to any penalty notwithstanding the corporation enter into or are interested in any contract with or for the Company. Provided that no stockholder being a member of the corporation shall as such member vote concerning any such contract.

95. No judge of a county court or justice shall be disqualified from acting in the execution of this Act by reason of his being a stockholder of the Company. County court judges and justices not disqualified.

96. 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 charged against revenue. Costs of Act.

PART X.

PROTECTIVE PROVISIONS.

97.—(1) Except as by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the rights interests powers and authorities of the corporation including any of their rights interests powers and authorities as successors of the Company of Proprietors of the Sheffield Waterworks. Saving rights of Sheffield Corporation

A.D. 1929.

(2) Nothing in this Act shall extinguish defeat release abridge annul prejudice or destroy the right title or interest of the corporation to any rents tolls pickage stallage free customs dues duties profits or advantages belonging due or in anywise appertaining to the corporation as owners of the fairs and markets within the city acquired from the late Most Noble Henry Fifteenth Duke of Norfolk under the agreement set forth in the schedule to and confirmed by the Sheffield Corporation (Markets) Act 1899 and the corporation as owners of the said fairs and markets shall and may demand exact take and enjoy all such rents tolls pickage stallage free customs dues duties profits and advantages with all powers and remedies for enforcing the payment thereof in as full ample and beneficial a manner to all intents and purposes as if this Act had not been passed save as the same may be affected by the due and lawful exercise of the powers of the Company of laying down pipes for the conveyance of gas for the purpose of this Act.

Saving
rights of
road autho-
rities &c.

98. Except as by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the rights interests powers and authorities of the road authority for any road within the limits of supply which was formerly a turnpike road or of the persons having the control or management of any street sewer or drain within the limits of supply.

For protec-
tion of
Sheffield
Corporation.

99. The following provisions for the protection of the corporation shall unless otherwise agreed between the Company and the corporation have effect:—

- (1) All mains and pipes to be laid by the Company in any street for the time being maintainable by the corporation shall be laid in such position under the footpath wherever reasonably possible and otherwise at the side of the road as the corporation in writing under the hand of the city surveyor may reasonably direct. This subsection shall also apply in the case of any mains or pipes to be laid within six feet of any sewer or water main or pipe of the corporation in a street not maintainable by the corporation if the road authority of the street consent thereto in writing:
- (2) Except in case of emergency (when the longest reasonably practicable notice shall be given)

A.D. 1929.
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and except in cases of the laying connecting or repairing of service pipes (when three days' notice shall be given) the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such street as aforesaid be not less than fourteen days instead of three days and the notice shall be served upon the corporation and accompanied by the plan referred to in section 9 of that Act which plan shall be on a scale of not less than twenty-five inches to the mile and shall clearly show the proposed position of the works :

- (3) The Company shall not without the consent in writing of the corporation or the city surveyor (which consent shall not be unreasonably withheld) open or break up the roadway or in any manner interfere with the structure of any bridge for the time being maintainable by the corporation but shall if reasonably required so to do by the corporation or the city surveyor attach any main or pipe which they may wish to carry across the bridge under or on the outside of the bridge in such manner as the corporation or the city surveyor may reasonably direct :
- (4) If the Company shall in the execution or repair of any of the works of the Company make any trench or excavation in the roadway or footpath of any road or over any bridge and the roadway or footpath is maintainable by the corporation then the Company shall fill in and properly ram to the satisfaction of the city surveyor the trench or excavation and after they have done so the corporation shall reinstate and make good the surface of the roadway or footpath and for the work so carried out by the corporation the Company shall pay to them the expenses thereof which expenses shall be based upon a schedule of prices to be agreed between the Company and the corporation or failing agreement settled by arbitration in manner hereinafter provided Provided that if the corporation fail to reinstate and make good

A.D. 1929.
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the surface of the roadway or footpath within three calendar months after the Company shall have filled in and rammed any such trench or excavation the corporation shall indemnify the Company against all costs charges expenses and penalties to which they may become liable by reason of the failure :

- (5) In the case of any mains laid in any roadway where the foundation of the roadway consists of concrete the corporation may if they so desire execute the work of opening the trench so far as the breaking or cutting through of the concrete is concerned and the Company shall pay the reasonable costs of the corporation for so doing (the work to be executed with all reasonable speed) and if the corporation fail to commence the breaking through of the concrete within three days after the expiration of the notice by the Company of their intention to lay a main the Company may themselves execute the work aforesaid Provided that this subsection shall not apply to roadways situate as crossings to side streets (such crossings to be regarded as a continuation and part of the footpath) unless the crossings have concrete or other special foundations :
- (6) Any difference which arises between the Company and the corporation under this section shall be determined by an engineer or other fit person to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party under the Arbitration Act 1889 :
- (7) The provisions of this section save so far as they modify existing legislation shall be in addition to and not in substitution for the provisions of any general Act applying to the Company or the corporation.

For protec-
tion of

100. Notwithstanding anything in this Act the following provisions for the protection of the county

council shall (unless otherwise agreed) apply and have effect :— A.D. 1929.

(1) In this section—

Derbyshire
County
Council.

The expression “the county council” means the county council for the administrative county of Derby;

The expression “any main road” means any road which is for the time being a main road vested in the county council;

The expression “any county bridge” means any bridge which is for the time being a county or main road bridge and includes the approaches to any such bridge vested in the county council;

The expression “the county surveyor” means the surveyor for the time being of the said county and includes any person duly authorised to discharge temporarily the duties of that office :

- (2) All mains or pipes to be laid by the Company under this Act in or along any main road or in upon or across any county bridge shall where reasonably practicable be laid in such a position under the footpath (wherever possible) or otherwise at the side of the road as the county council shall by writing under the hand of the county surveyor reasonably direct :
- (3) The surplus paving metalling or materials removed during the laying of any mains or pipes to be laid as aforesaid shall not be placed on the metalled portion of the road without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give :
- (4) All surplus paving metalling or materials removed during the laying of any such mains or pipes in or along any main road or in upon or across any county bridge and not required by the Company for the purpose of reinstating and making good the road or bridge may be used by the county council for the maintenance and repair of any main or other road in the county and the Company shall on receiving

A.D. 1929.

notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Company fail to do so the county surveyor may remove the same but the county council shall repay to the Company any expenses which the Company may reasonably incur in complying with any directions of the county surveyor under this subsection :

- (5) The notice required by section 8 of the Gasworks Clauses Act 1847 shall (except for the laying connecting or repairing of consumers' service pipes as to which three days' notice shall be given and except in case of accidental leakage or burst or other emergency in which case the longest reasonably practicable notice shall be given) be not less than seven days instead of three days :
- (6) The plan required by section 9 of the said Act shall (except in cases of emergency and except when the works relate to service pipes) be accompanied by a description of the proposed works in the case of any main road and by a section in the case of any county bridge and shall be delivered to the county council or the county surveyor by the Company not less than in the case of a county bridge or the approaches thereto fourteen days and in all other cases seven days before they commence to open or break up any main road or interfere with any county bridge for the purpose of executing the works :
- (7) Nothing in this Act shall authorise the Company to interfere with the structural part of any county bridge without the consent in writing of the county council or the county surveyor which consent shall not be unreasonably withheld and may be given upon such conditions (not being a money payment) as the county council may reasonably determine :
- (8) Nothing in this Act shall interfere with the right of the county council to alter the level of

or deviate or improve in any manner they think fit any main road in or along which any mains pipes or works of the Company shall have been laid in the same manner as they might have altered deviated or improved such road if this Act had not been passed. If any such alteration deviation or improvement be intended by the county council the Company shall at the reasonable expense of the county council with all convenient speed on receiving ten days' notice (or shorter in cases of emergency) in writing under the hand of the county surveyor so to do alter the position of any such mains pipes or works in such manner and to such extent as such notice may reasonably prescribe and to the satisfaction of the county surveyor. Provided that the county council shall afford all reasonable facilities to the Company for such alteration and also (during the alteration deviation or improvement of such main road) for temporarily carrying or supporting such mains pipes or works along the main road so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains pipes or works :

- (9) Nothing in this Act shall interfere with the right of the county council at any time or times to remove alter widen reconstruct or rebuild any county bridge over near or attached to which any mains or pipes of the Company are carried in the same manner as they might have removed altered widened reconstructed or rebuilt the bridge if this Act had not been passed. If any county bridge over or near or attached to which any such mains or pipes are laid be removed altered widened reconstructed or rebuilt as aforesaid the Company shall alter the position of the mains and pipes and any works by which they are carried over or near or attached to any such bridge as aforesaid to the satisfaction of the county surveyor. Provided that the county council shall afford all reasonable facilities to the Company for the alterations and also (during the removal alteration

A.D. 1929.

widening reconstruction or rebuilding of any county bridge as aforesaid) for temporarily carrying the mains or pipes across the stream river or other place over which the bridge is carried so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through the mains or pipes. Provided also that all expenses reasonably incurred in altering the position of any such mains pipes and works shall where they had been lawfully laid or constructed by the Company prior to the second day of August nineteen hundred and seventeen or by the former Dronfield Gas Light and Coke Company prior to the sixth day of October nineteen hundred and twenty-four be borne by the county council but in all other cases shall be borne by the Company. Provided further that if the removal alteration widening reconstruction or rebuilding of any such bridge is required solely for the accommodation of any trolley vehicle system or motor-omnibus service of the county council or any light railway or tramway belonging to or worked by the county council then the county council shall in any event repay to the Company any expenses reasonably incurred by the Company in complying with any requirement of the county surveyor under this subsection and the facilities to be provided by the county council as aforesaid shall be afforded at the expense of the county council:

- (10) All works of the Company so far as they affect any main road or county bridge shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county bridge and the Company shall not without the consent of the county surveyor open or break up at any one time a greater continuous length than two hundred yards of any main road nor more than one hundred yards where there is only sufficient room for one cart to pass nor in the latter case shall such openings or breakings up be carried out without leaving where

reasonably practicable a clear space of one hundred and fifty yards between consecutive openings or breakings up unless with the consent of the county surveyor and where any material or soil from any works trenches or excavations in any main road is deposited upon the metalled portion of the main road the material or soil shall be so placed as the county surveyor may reasonably direct Provided always that where reasonably practicable at least twelve feet of metalled road shall be kept clear for the use of the public :

A.D. 1929.

- (11) The Company shall repair and reinstate so much of any main road or of the road over any county bridge in which mains or pipes of the Company are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the mains or pipes :
- (12) All costs charges amounts and expenses payable by the Company to the county council or by the county council to the Company under the provisions of this section shall be recoverable as a debt due from the Company to the county council or from the county council to the Company as the case may be :
- (13) The county council shall not except in case of their negligence be liable for or in respect of any damage or injury to any mains pipes connections meter boxes or other property of the Company laid or fixed elsewhere than in the Dronfield limits after the second day of August nineteen hundred and seventeen or laid or fixed in the Dronfield limits after the sixth day of October nineteen hundred and twenty-four in or upon the metalled portion of any main road or any county bridge arising from the ordinary use by the county council of a steam or other roller or traction engine not exceeding fifteen tons in weight Provided that nothing in this subsection shall be deemed to imply that any such liability exists in respect of any mains pipes connections meter boxes or other property of the Company laid or fixed before

A.D. 1929.

the respective dates aforesaid and the liabilities (if any) in respect of the last-mentioned property of the Company shall not be affected by this subsection :

- (14) If any difference arises between the county council or the county surveyor and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving any consent or direction the difference shall be settled by arbitration by an engineer to be agreed upon between the county council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of West
Riding
County
Council.

101. In executing the works and exercising the powers authorised by the specified provisions of this Act (as defined in subsection (8) hereof) so far as they affect any main road or county bridge (which expression shall in this section mean and include any bridge which is for the time being a county or main road bridge and the approaches to such bridge) repairable by or at the cost of the county council of the west riding of Yorkshire (in this section called "the county council") the following provisions for the protection of the county council shall unless otherwise agreed in writing between the county council and the Company have effect :—

- (1) All mains pipes or works to be laid in or along any such main road or in upon or across any such county bridge shall so far as is reasonably practicable be constructed and laid in such position at the side of the road as the county council shall by writing under the hand of their surveyor reasonably direct or (if the said surveyor so agrees) under the footpath Provided that this subsection shall not apply to service pipes :
- (2) Except in cases of emergency and except when the works consist of service pipes the notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any such main road or

county bridge be not less than seven clear days instead of three clear days and the plan required by section 9 of the last-mentioned Act shall be delivered to the county council or their surveyor by the Company not less than twenty-one days before the Company commence to open or break up any main road for the purpose of executing the works :

A.D. 1929.

- (3) All works shall be executed by the Company so as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such main road or county bridge and the Company shall not break up at any one time a greater length than three hundred yards of any main road :
- (4) If after the opening of any main road in pursuance of the specified provisions of this Act the Company shall fail to reinstate the same in such manner and with such materials as the county council reasonably require or if and so long as the portion of road broken up shall subside the Company fail to properly restore the same the county council after giving the Company notice thereof may themselves execute the necessary works and recover the reasonable cost thereof from the Company :
- (5) Notwithstanding anything in the specified provisions of this Act it shall be lawful for the county council at any time or times to divert widen or improve any main road vested in and repairable by them in which any such mains pipes or works are laid in the same manner as they might have diverted widened or improved such main road if the specified provisions of this Act had not been passed and such mains pipes or works had not been laid in such main road If any such main road as aforesaid or any other main road in which any such mains pipes or works are laid be diverted widened or improved at the expense of the county council or of the county council and any other authority the Company shall with all convenient speed if required by the surveyor of the authority

A.D. 1929.

carrying out such diversion widening or improvement remove or alter the position of their said mains or pipes and replace the same in such position as the said surveyor shall reasonably direct and the reasonable expense of any removal or alteration and replacement so required shall be borne by such authority. Provided that before and during such diversion widening or improvement of any such main road the county council or such other authority as aforesaid shall afford reasonable facilities for temporarily carrying such mains or pipes along the main road so as not to interrupt the continuous supply of gas :

- (6) Nothing in the specified provisions of this Act shall interfere with the right of the county council at any time or times to remove alter widen reconstruct or rebuild any county bridge over near or attached to which any mains or pipes of the Company are carried in the same manner as they might have removed altered widened reconstructed or rebuilt such bridge if the specified provisions of this Act had not been passed and if any county bridge over or near or attached to which any such mains or pipes are laid be removed altered widened reconstructed or rebuilt as aforesaid the Company shall if required by the surveyor of the county council alter the position of such mains and pipes and any works by which the same are carried over or near or attached to any such bridge as aforesaid to the satisfaction of the said surveyor. Provided that the county council shall afford all reasonable facilities to the Company for such alterations. Provided also that during such removal alteration widening reconstruction or rebuilding of any county bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such mains or pipes across the stream river or other place over which such bridge is carried so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes :

(7) If any difference shall arise—

A.D. 1929.

(a) between the Company and the county council (with respect to any main road or county bridge vested in and repairable by the county council) touching this section or anything to be done or not to be done thereunder or the giving of any direction or making of any requirement thereunder; or

(b) between the Company on the one hand and the county council and the authority in whom any other main road is vested on the other hand with respect to any direction or requirement relating to such last-mentioned road;

such difference shall be settled by arbitration by an arbitrator to be agreed upon by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either or any of such parties and any difference between the Company and the county council with respect to any such road as first aforesaid which shall arise under section 9 of the Gasworks Clauses Act 1847 shall be determined by arbitration under this subsection instead of in the manner provided by that section :

Provided that if with respect to any main road which is not vested in and repairable by the county council any direction or requirement of the county council under or pursuant to this section shall conflict with any direction or requirement made pursuant to the Gasworks Clauses Act 1847 by the authority in whom the road is vested the matter so in difference shall (if not settled by agreement between the county council and the authority) be settled by arbitration in manner hereinbefore provided and the Company shall be at liberty if they think fit to be a party to the arbitration;

The provisions of the Arbitration Act 1889 shall apply to any arbitration under this section :

(8) In this section the expression “ the specified provisions of this Act ” means the provisions of

A.D. 1929.

Part VII (Coke oven gas) of this Act and any provisions of this Act relating to so much of the parishes of Tankersley and Aston-cum-Aughton as is within the limits of supply.

For protection of Rotherham Rural District Council.

102. The provisions of section 101 (For protection of West Riding County Council) shall so far as applicable apply and have effect for the protection of the Rotherham Rural District Council in relation to roads and bridges vested in or repairable at the cost of that council as if that council had been named therein in lieu of the county council and as if such roads and bridges had been referred to therein in lieu of main roads and county or main road bridges.

For protection of London Midland and Scottish Railway Company.

103.—(1) In executing and maintaining the works authorised by the former Acts and Orders (including the works transferred to and vested in the Company by the Order of 1924) or this Act where the same cross or will cross over or under or otherwise affect any railway or any part of the works or property of the London Midland and Scottish Railway Company (hereinafter referred to as "the Midland Company") the Company shall (except so far as it may be otherwise agreed between the Midland Company and the Company) be subject to the following conditions :—

- (a) All such works shall be executed and maintained under the superintendence (if given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and (except in case of emergency) according to plans and drawings to be previously submitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after the plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Company of his objections thereto he shall be deemed to have approved thereof;
- (b) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Company notice that they themselves desire to execute any part of the work (other than the actual laying down of the mains

A.D. 1929.

- (2) Any additional expense which the Midland Company may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid—
- (i) before the passing of this Act under the powers of section 36 (Coke oven gas) of the Act of 1917; or

A.D. 1929.

- (ii) after the passing of this Act under the powers of Part VII (Coke oven gas) of this Act; or
- (iii) after the second day of August nineteen hundred and seventeen in so much of the parish of Tankersley as is within the limits of supply; or
- (iv) after the sixth day of October nineteen hundred and twenty-four in the Dronfield limits or in so much of the parish of Aston-cum-Aughton as is within the limits of supply.

across over or under those bridges or works shall be paid by the Company.

(3) Any dispute which may arise between the Midland Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to the arbitration.

For protec-
tion of
London and
North East-
ern Railway
Company.

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

- (1) In laying down and executing or in effecting the repairs or renewals of any pipes mains or other works in so much of the parish of Tankersley as is within the limits of supply or in the exercise of the powers of Part VII (Coke oven gas) of this Act upon across or in any way affecting the railways canal and property now or hereafter belonging to or used or occupied by the railway company or the bridges or other works or the level crossings over the railways of the railway company the same shall be done under the superintendence (if given) and to the reasonable satisfaction of the principal engineer of the railway company and only (except in emergency) according to such plans and in such manner as shall be submitted to and as shall be previously approved by him in writing or if he shall unreasonably withhold his approval as shall be

determined by arbitration Provided that if the engineer does not express his approval or disapproval of the said plans or manner of doing the works within twenty-one days after the same shall have been submitted to him he shall be deemed to have approved thereof : A.D. 1929.

- (2) All such works of the Company shall be done by and at the expense of the Company (except as in this section otherwise provided) who shall also restore and make good to the reasonable satisfaction of the said engineer the roads so far as repairable by the railway company over or under any bridge or over any level crossing of the railway of the railway company or the roads over the canal of the railway company or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the railway company elect so to do where any such works of the Company are to be laid under or across any railway canal or other property of the railway company they may themselves execute the same under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable cost thereof from the Company Provided further that the actual laying in the trenches and the jointing of any mains pipes or works of the Company shall be executed by the Company if the Company's engineer so desires :
- (3) All such works of the Company and all matters incidental thereto shall be constructed executed maintained and done so as to cause as little injury as may be to such railways canal bridges level crossings works or property of the railway company and so as to cause no interruption to the passage or conduct of traffic over such railways and canal or at to or from any station thereon :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the works and matters aforesaid or the leakage or failure of any such mains pipes or works as

A.D. 1929.
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aforesaid on under or near to any railway canal bridge level crossing works or property of the railway company the Company shall make compensation to the railway company in respect thereof the amount of the compensation unless agreed upon to be determined by arbitration :

- (5) Any additional expense which the railway company may reasonably and properly incur in maintaining their bridges and works by reason of the existence of any mains or pipes of the Company laid—

(i) before the passing of this Act under the powers of section 36 (Coke oven gas) of the Act of 1917; or

(ii) after the passing of this Act under the powers of Part VII (Coke oven gas) of this Act; or

(iii) after the second day of August nineteen hundred and seventeen in so much of the parish of Tankersley as is within the limits of supply

across over or under those bridges or works shall be paid by the Company :

- (6) The Company shall bear and on demand pay to the railway company all reasonable costs of the superintendence by them of the construction or repair of any works of the Company executed under any of the powers of this Act in the said portion of the parish of Tankersley or under the powers of Part VII (Coke oven gas) of this Act and affecting the property of the railway company including all reasonable costs of watching lighting signalling and protecting the property of the railway company with reference to and during such construction or repair but the superintendence by the railway company or their neglect to superintend shall not alter or affect any liability to which the Company may be subject for any accident which may be occasioned by the works or operations or by the act or default of the Company or of their contractors servants or workmen or any of them :

(7) If at any time it is found necessary in order to A.D. 1929.

enable the railway company to carry out any alterations or extensions of their railway or works that the position of any mains pipes or works of the Company shall be altered the Company shall on receiving notice in writing from the railway company so to do at the cost of the Company with all reasonable dispatch alter the position of the same so far as may be necessary to enable the railway company to carry out the alterations or extensions and the provisions of this section shall apply to the said mains pipes or works of the Company in their altered position. Provided that if the railway company give to the Company notice that they themselves desire to carry out so much of the alterations of such mains pipes or works of the Company as will affect any railway or work belonging to the railway company they may themselves execute such alterations under the superintendence and to the reasonable satisfaction of the Company's engineer and recover the reasonable cost thereof from the Company. Provided that the actual laying in the trenches and the jointing of any mains pipes or works of the Company shall be executed by the Company if the Company's engineer so desires :

(8) Any question referred to arbitration under this section and any dispute or difference which may arise between the railway company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of the railway company and the Company or either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

105. Nothing in section 67 (Supply of coke oven gas) of this Act shall extend to or authorise any interference with any works of the Yorkshire Electric Power For protection of Yorkshire

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929. —
Electric
Power Com-
pany. Company to which the provisions of section 15 of the
Electric Lighting Act 1882 apply except in accordance
with and subject to the provisions of that section and the
provisions of that section shall be deemed to extend to
and include any electric lines or works of that company
constructed or placed upon or above the level of the
ground.

For protec-
tion of Duke
of Norfolk. **106.** Nothing in this Act shall extinguish defeat
release abridge annul prejudice or destroy the right title
or interest of the Duke of Norfolk lord of the manor of
Sheffield or the lord for the time being of the manor of
Sheffield of in or to the seignories rights royalties fran-
chises jurisdictions rents services liberties privileges
powers and authorities appendant appurtenant incident
or belonging to the manor but the Duke of Norfolk
lord of the manor and the lord for the time being of the
manor shall and may have hold use exercise take and
enjoy all and every the seignories rights royalties fran-
chises pre-eminences jurisdictions rents services powers
authorities liberties privileges advantages and emoluments
whatsoever to the manor belonging or incident appendant
appurtenant or usually exercised holden or enjoyed
therewith as if this Act had not been passed save as
the same may be affected by the due and lawful exercise
of the powers of the Company of laying down pipes for
the conveyance of gas for the purpose of this Act.

For protec-
tion of
Messrs.
Vickers. **107.** Nothing in section 36 (Gasworks) of this Act
so far as it relates to the lands (d) described in the Third
Schedule to this Act shall prejudice or affect the rights
of Edward Vickers George Naylor Vickers and Thomas
Edward Vickers their executors administrators and
assigns (hereinafter referred to as "the lessees") under
a lease dated the eighteenth day of July eighteen hundred
and sixty-four and made between the Right Honourable
William Thomas Spencer Earl Fitzwilliam of the one
part and the said Edward Vickers George Naylor Vickers
and Thomas Edward Vickers of the other part and for
the protection of the lessees the following provisions
shall be in force and have effect :—

In any part of the said lands (d) whereon the Com-
pany shall erect any coke sheds or other buildings
or on which the Company shall stack any coal
or coke or place any purifiers or otherwise affect

the right of access of the lessees to the surface of the ground conferred by the said lease the Company shall in the line of the pipes which under the powers of the said lease have been laid across the said lands construct and afterwards during the continuance of the said lease uphold and maintain a subway or subways of not less than five feet in height and three feet six inches in width and place at the north-west and south-east ends thereof manholes which shall be of such a size as to admit of there being placed in or removed from the said subway iron pipes nine feet in length and during the continuance of the said lease allow the lessees to have at all reasonable times access by the said manholes to the said subway and to the pipes therein.

A.D. 1929.

A.D. 1929.

The SCHEDULES referred to in this Act.

FIRST SCHEDULE.

Sheffield Gas Act 1855.
Sheffield Gas Act 1866.
Sheffield Gas Order 1882.
Sheffield Gas Order 1890.
Sheffield Gas Order 1893.
Sheffield Gas Order 1910.
Sheffield Gas (Standard of Calorific Power) Order 1916.
Sheffield Gas Act 1917.
Sheffield Gas Order 1918.
Sheffield Gas (Charges) Order 1921.
Sheffield Gas Act 1922.
Sheffield Gas Order 1924.
Sheffield Gas Order 1928.

SECOND SCHEDULE.

LIMITS OF SUPPLY.

The whole of the city of Sheffield except the following areas
viz. :—

- (i) The portion of the former parish of Catcliffe added to the city by section 7 of the Sheffield Corporation Act 1900 and described in the Second Schedule to that Act;
- (ii) The area added to the city by section 9 of the Sheffield Corporation (Consolidation) Act 1918 and therein defined as “the city added area”;
- (iii) The area defined in the Sheffield (Extension) Order 1921 as “the added part of Rotherham” and added to the city by section 4 of that Order;
- (iv) The portions of the parishes of Derwent Outseats and Hathersage added to the city by the Sheffield Corporation Act 1928 and respectively defined in that Act as “the added part” of those respective parishes.

[19 GEO. 5.] *Sheffield Gas (Consolidation)* [Ch. xii.]
Act, 1929.

The following portions of the county borough of Rotherham A.D. 1929.
viz. :—

- (1) So much of that borough as was on the 16th July 1866 both within the township of Kimberworth and within 800 yards from any point of either of the parishes of Sheffield and Ecclesfield as then existing;
- (2) The area added to that borough by section 24 of the Sheffield Corporation (Consolidation) Act 1918 and therein defined as "the borough added area."

In the administrative county of the west riding of Yorkshire—

So much of the urban district of Stocksbridge as is defined in section 41 of the Stocksbridge Gas Act 1919 (which section is set forth in the Fifth Schedule to this Act) as "the joint area."

The parishes of Ecclesfield and Bradfield in the rural district of Wortley.

So much of the parish of Tankersley in the rural district of Wortley as lies to the southward of an imaginary straight line drawn due east and west through the northernmost point of the property numbered 78 on the Ordnance map (scale 1/2500) 2nd edition 1905 sheet No. CCLXXXII—11 in that parish.

So much of the parish of Aston-cum-Aughton in the rural district of Rotherham as is bounded on the west and south-west by the river Rother on the north by an imaginary straight line drawn through the northernmost corner of the sewage works of the Rotherham Rural District Council (being the property numbered 362A on the Ordnance map (scale 1/2500) 1923 edition Yorkshire (West Riding) sheet CCXCV—11) and through the northernmost corner of the buildings of Smallage House (being the property numbered 371 on the said sheet of the said Ordnance map) on the east and south-east and south by an imaginary line commencing at the said corner of the said property numbered 371 and drawn thence along the eastern side of the buildings of Smallage House to the south-western corner thereof thence in a straight line to the southernmost corner of property numbered 323 on the said sheet of the said Ordnance map thence in a straight line to the southernmost corner of the property numbered 316 on the said sheet of the said Ordnance map and thence in a due south-easterly direction to the river Rother.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 Geo. 5.]
Act, 1929.

A.D. 1929.

In the administrative county of Derby—

The urban district of Dronfield;

The rural district of Norton;

The townships or parishes of Coal Aston Dronfield Woodhouse Holmesfield and Unstone in the rural district of Chesterfield;

as such city county borough districts and parishes are respectively constituted at the date when this Act comes into force.

The said limits of supply are shown on a map signed in triplicate by the Right Honourable Lord Muir Mackenzie the Chairman of the Joint Committee of the two Houses of Parliament to whom the Bill for this Act was referred and deposited as follows :—

- (1) One copy in the office of the Clerk of the Parliaments.
- (2) One copy in the Committee and Private Bill Office of the House of Commons.
- (3) One copy in the head office of the Company.

THIRD SCHEDULE.

(Section 36.)

GAS LANDS.

PART I.

LANDS FOR THE MANUFACTURE OF GAS AND RESIDUAL PRODUCTS.

Neepsend Works in the city of Sheffield—

- (a) Lands containing 12 acres 1 rood 39 poles $26\frac{1}{2}$ yards or thereabouts being the portion of the lands of the Company at Neepsend included within the following boundary line viz. A line commencing on the south-western boundary fence of the Great Central Railway of the London and North Eastern Railway Company at the northernmost corner of the said lands of the Company and drawn thence in a south-easterly direction along the said boundary fence for a distance of 860 feet thence in a south-south-easterly direction across the Company's said lands to a point on the eastern boundary of those lands at a distance of 55 feet southwards from the said boundary fence of the said railway thence southwards along the said eastern boundary of the Company's said lands for a

distance of 450 feet thence in a westerly direction at right angles to the last-mentioned boundary for a distance of 140 feet thence in a southerly direction parallel to that boundary to the northern side of Neepsend Lane thence in a north-westerly direction along the northern side of Neepsend Lane to the boundary between the Company's said lands and the land and cottages on the east side of Parkwood Road thence in a northerly direction along the last-mentioned boundary for a distance of 480 feet thence along the northern boundary of the said land and cottages to the eastern boundary of Parkwood Road thence along the last-mentioned boundary to the westernmost corner of the Company's said lands thence along the north-western boundary of the Company's said lands to the point of commencement above described;

A.D. 1929.
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- (b) A triangular plot of land containing 6 poles $6\frac{1}{2}$ yards or thereabouts on the south side of Neepsend Land approximately opposite the centre of the southern side of the lands (a) above described and lying between Neepsend Lane the river Don and the Toledo Works of John Henry Andrew and Company Limited.

Grimesthorpe Works in the city of Sheffield—

- (c) Lands containing 9 acres 1 rood 38 perches or thereabouts and bounded on the south-east by the Sheffield and Rotherham Railway of the London Midland and Scottish Railway Company on the south and south-west in part by Upwell Street and in other part by the churchyard of St. Thomas' Church on the north-west in part by the said churchyard and in other part by lands belonging or reputed to belong to Earl Fitzwilliam and on the north-east by the lands (d) next described;
- (d) Lands containing 6 acres 2 roods 27 perches or thereabouts and bounded on the south-east by the said Sheffield and Rotherham Railway on the south-west by the lands (c) above described on the north-west by lands belonging or reputed to belong to Earl Fitzwilliam and on the north-east by Colliery Road;
- (e) Lands containing 2 acres and 1 rood or thereabouts and bounded on the south-east by the said Sheffield and Rotherham Railway on the south-west by the said Colliery Road on the north-west by Burslem Street and on the north-east by lands of the said railway company.

A.D. 1929.

Effingham Street Works in the city of Sheffield—

- (f) Lands containing 4 acres 3 roods 19 poles $20\frac{1}{2}$ yards or thereabouts and bounded on the north by Effingham Street on the east by Sussex Road on the south in part by Sussex Street and in other part by lands of the Company and on the west in part by lands of the Company and in other part by Effingham Street.

Arundel Street Works in the city of Sheffield—

- (g) Lands containing 2 roods 1 pole 3 yards or thereabouts and bounded on the south-east partly by Arundel Street and partly by lands and property belonging or reputed to belong to Walter John Sykes on the south-west partly by the last-mentioned lands and property and partly by Jessop Lane on the north-west by Eyre Lane and on the north-east by Earl Street.

Woodhouse Works in the city of Sheffield—

- (h) Lands situate near Station Road Woodhouse containing 1 acre 2 roods 11 perches 15 yards or thereabouts being the property numbered 768 on the Ordnance map (scale 1/2500) 1923 edition Yorkshire (West Riding) sheet CCXCV—15.

Wadsley Bridge Lands in the city of Sheffield—

- (i) Lands containing 51 acres 0 roods 21 perches or thereabouts and bounded on the south and south-east by Beeley Wood Lane on the east by Limestone Cottage Lane on the north-east and north by the Great Central Railway of the London and North Eastern Railway Company on the north-west by lands forming or reputed to form part of the Duke of Norfolk's settled estates and on the south-west in part by Beeley Wood Lane and in other part by the goit which supplies the mill dam at the Clay Wheel Forge;
- (j) Lands containing 6 acres 1 rood 36 perches or thereabouts and bounded on the west by Limestone Cottage Lane on the south-west and south by Beeley Wood Lane on the south-east by other lands forming or reputed to form part of the Duke of Norfolk's settled estates and on the north-east by the Great Central Railway of the London and North Eastern Railway Company;
- (k) Lands containing 1 acre 2 roods 34 perches or thereabouts and lying between Beeley Wood Lane the river Don and the Clay Wheel Forge;

Dronfield Works in the urban district of Dronfield—

- (l) Lands containing 1 rood 32 perches or thereabouts and bounded on the north by the site of a mill dam

(now disused) through which the river Drone flows on the east by land belonging or reputed to belong to Sarah Elizabeth Outram on the south by the main road from Sheffield to Chesterfield and on the west by the lands (*m*) next described; A.D. 1929.
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- (*m*) Lands containing 1 acre 2 roods 19 perches or thereabouts and bounded on the north in part by Mill Lane and in other part by the river Drone on the east by the lands (*l*) above described on the west by lands belonging or reputed to belong to and in the occupation of Messrs. G. Allen & Sons and on the south by the main road from Sheffield to Chesterfield.

PART II.

LANDS FOR THE STORAGE OF GAS.

A plot of land at Neepsend in the city of Sheffield containing 25,004 superficial square yards or thereabouts bounded on or towards the south in part by lands belonging or reputed to belong to G. Longden & Son Ltd. and in other part by lands belonging or reputed to belong to the Company and being in breadth there 488 feet or thereabouts bounded on or towards the east and north-east by Parkwood Road and being in length there 672 feet or thereabouts and bounded on or towards the west by houses on the east side of Farfield Road erected on lands formerly belonging or reputed to belong to John Thompson William Grattan and Joseph Smith and being in length on that side 699 feet or thereabouts.

FOURTH SCHEDULE.

(Sections 6 and 40.)

SECTION 13 OF ROTHERHAM CORPORATION ACT 1904.

[NOTE In the undermentioned section the expression "the Sheffield United Gas Light Company" means the Sheffield Gas Company the expression "the borough" means the county borough of Rotherham and the expression "the Corporation" means the Rotherham Corporation.]

13.—(1) The Sheffield United Gas Light Company shall not at any time hereafter extend any of their mains in the township of Kimberworth in the borough within the limit of eight hundred yards from any part of either of the parishes of Sheffield and Ecclesfield if and so long as the Corporation shall be prepared to supply gas within the said limit to any person or persons who Adjustment of limits of supply with Sheffield Gas Light Company.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929. may require and be entitled to a supply Provided that if within six months after any such demand the Corporation shall fail to provide such supply then the company may extend their mains for the purpose of giving such supply.

(2) The Corporation may from time to time lay mains and supply gas in such portion of the parish of Ecclesfield as lies within the area adjoining Wortley Road from the parish of Rotherham to the Ball Inn at the junction of Wortley Road and Hesley Lane and thence along Hesley Lane to the boundary of the parish of Rotherham which area is coloured pink on the plan signed by John Heywood-Johnstone Esquire Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and the company shall not supply gas within such area if and so long as the Corporation shall be prepared to supply gas within the said limit to any person or persons who may require and be entitled to a supply Provided that if within six months after any such demand the Corporation shall fail to provide such supply then the company may extend their mains for the purpose of giving such supply.

(3) The Corporation shall not at any time hereafter supply gas within any portion of the parish of Tinsley if and so long as the company shall be prepared to supply gas within the said limit to any person or persons who may require and be entitled to a supply Provided that if within six months after any such demand the company shall fail to provide such supply then the Corporation may extend their mains for the purpose of giving such supply.

(4) The Corporation shall not at any time hereafter lay any mains within any area wherein the company shall have become entitled to extend their mains under the provisions of this section nor shall the company at any time hereafter lay any mains within any area wherein the Corporation shall have become entitled to extend their mains under the provisions of this section.

FIFTH SCHEDULE.
(Sections 6 and 40.)

SECTION 41 OF THE STOCKSBRIDGE GAS ACT 1919

[NOTE In the undermentioned section the expression "the Company" means the Stocksbridge Gas Company and the expression "the limits of supply" means the limits defined in Section 40 of the Stocksbridge Gas Act 1919.]

As to powers of Sheffield 41.—(1) From and after the passing of this Act all powers rights authorities privileges duties and obligations of the Sheffield

[19 GEO. 5.] *Sheffield Gas (Consolidation)* [Ch. xii.]
Act, 1929.

Gas Company (hereinafter referred to as "the Sheffield Company") under the Sheffield Gas Acts and Orders 1855 to 1918 or any general Act for or relating to the supply of gas within the limits of supply other than within the joint area as hereinafter defined shall cease and determine. A.D. 1929.
—
Gas Com-
pany.

(2) The expression "the joint area" in this section means the portion of the urban district of Stocksbridge which lies between the Ewden Beck the river Don and an imaginary straight line drawn from a point on the right bank of the river Don immediately south of the Stocksbridge sewerage works through the point of intersection of the respective centre lines of Bank Lane and Sunny Bank Road to the Ewden Beck.

(3) Notwithstanding anything in this Act the Company shall not lay any mains or except as hereinafter provided supply gas to any person or for use on any premises within the joint area if and so long as the Sheffield Company shall be prepared to supply gas to such person or premises within a reasonable time provided that the Sheffield Company shall give to the Company notice of their intention to supply gas to such person or premises within fourteen days after receipt by them of a request for such a supply if the point at which the supply is to be given is within twenty-five yards of any main or pipe of the Company and within one month from the receipt of such a request if the point at which the supply is to be given is not within twenty-five yards of any main or pipe of the Company. Provided also that where the Company are supplying gas by means of any main laid within the joint area in accordance with this section nothing in this section shall restrict or interfere with the right of the Company without reference to the Sheffield Company to supply from such main gas to any premises situate on the line thereof.

(4) For the purposes of the immediately preceding subsection the Sheffield Company shall be deemed to be prepared to supply gas within a reasonable time if they are prepared to lay on a supply of gas within the following periods after receipt of a request for a supply (that is to say) :—

- (a) Within six weeks if the point at which the supply is to be given is within twenty-five yards of any main of the Sheffield Company;
- (b) Within three months if such point is not within twenty-five yards but is within one hundred yards of any main of the Sheffield Company; and
- (c) Within six months if such point is not within one hundred yards of any main of the Sheffield Company.

(5) Nothing in this section shall prevent the Sheffield Company from supplying gas to the Company in bulk or otherwise for use within any part of the limits of supply.

A.D. 1929.

SIXTH SCHEDULE.

(Section 87.)

REGULATIONS AFFECTING PROFIT-SHARING SCHEME.

PART I.

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

Definitions.

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 the stock at that date to be determined by the Company's auditors.

Disposal of
stock and
deposits by
nomination.

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.

Revocation
of nomina-
tions

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. A.D. 1929.

(2) The marriage of an appointor shall operate as a revocation of any nomination made by him before the 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 nomination relates to the deceased nominee.

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 the 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 less) until the claim has been satisfied disproved or withdrawn. Proceedings on death of nominator.

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 the stock or deposits. Legality of acts done in ignorance of marriage of nominator.

6. If the directors or trustees are 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. Nominations to take effect as regards stock in priority to deposits.

7.—(1) 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 that time the directors or the trustees (as the case may require) Disposal in case of no nomination.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929. shall subject to the provisions of this Part of this Schedule register the stock in the name of and pay the deposits—

- (a) To the widow (if any) of the deceased appointor; or
- (b) If there be no widow to the person or persons entitled in distribution to the residuary estate of the appointor in accordance with the provisions of section 46 (1) (ii) to (v) inclusive of the Administration of Estates Act 1925 and in default of any such person to the solicitor for the affairs of His Majesty's Treasury; or
- (c) In any event if the directors think fit to any person who has paid the funeral expenses of the appointor such amount not exceeding the total amount of those expenses as the directors shall deem it reasonable to allow:

Provided that if the deceased appointor has left no widow and the persons entitled under the said Act are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of the sale and distribution) among those persons in the shares in which they are entitled under the said Act and for the purposes of the 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 less) until the claim has been satisfied disproved or withdrawn.

(2) 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 but relating to a portion only of the stock and deposits to which he is entitled at his death but in that case the provisions of this clause shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(3) 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 the stock deposits or proceeds under those 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 the stock deposits or proceeds against the person in whose name they shall have been registered or to whom they shall have been paid but nothing in this proviso shall confer upon any person any remedy against a bonâ fide purchaser of the 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 remedy against the person in whose name or to whom they have been registered or paid.

A.D. 1929.
 —

8. If 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 ten pounds or of any amount of stock exceeding ten pounds but including a fractional part of one pound it shall be lawful for the directors in lieu of registering the beneficiary as holder of the amount of stock of less than ten pounds or the fractional part of one pound of stock to pay to him a sum in cash equal to the value of the 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 that sum to the directors out of any moneys in their hands and the amount of stock or fractional part of one pound of stock shall forthwith be registered in the names of the trustees.

Provisions as to small amounts of stock.

9. If 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 the 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 the stock for the maintenance education or benefit of the beneficiary and the receipt of that person shall be a good discharge to the directors and trustees for any sums so paid.

Provisions as to beneficiaries under sixteen.

10. If 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 the 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

Directors may appoint trustee for beneficiary under sixteen.

[Ch. xii.] *Sheffield Gas (Consolidation)* [19 GEO. 5.]
Act, 1929.

A.D. 1929.

of or to the person so appointed and that 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 the sale for the maintenance education or benefit of the beneficiary and the receipt of the 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.

Power to
infant bene-
ficiaries over
sixteen.

11.—(1) If 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.

(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 that he has not attained the age of twenty-one years.

Estate duty
payable in
certain cases.

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 stock or deposits under the provisions of this Schedule may require a statutory declaration by a beneficiary that the principal value thereof does not exceed one hundred pounds.

(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.

As to stock
and deposits
exceeding
eighty
pounds.

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 eighty 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 the 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 Commissioners stating that no such duty is payable thereon and the Commissioners shall give the certificate on receipt of

payment of the duty or satisfactory proof that the duty has been paid or that no duty is payable as the case may be. A.D. 1929.

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.

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 death up to a total value not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of the stock or deposits from the operation of the 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 the nomination.

A.D. 1929.

SEVENTH SCHEDULE.

(Section 6.)

SAVINGS FROM EFFECT OF REPEAL OF FORMER ACTS AND
ORDERS.

(a) All lands buildings works rights and easements which immediately before the passing of this Act were lawfully vested in the Company or in any person on their behalf or to which the Company were in anywise entitled and all mains pipes meters and other apparatus and all stocks in hand stores of coal and other materials and all moneys securities credits and effects and all other property and things whatsoever which immediately before the passing of this Act belonged to the Company or to any person on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Company and immediately before the passing of this Act in force shall continue to be vested in and the property of the Company or any such person as aforesaid on their behalf to the same extent and for the same purpose and interest and subject to the same covenants restrictions or conditions (if any) as the same were immediately before the passing of this Act vested in or held or enjoyed by the Company or any person on their behalf and may (subject to the provisions of this Act) be held and enjoyed maintained altered discontinued removed and dealt with sued for and recovered by the Company accordingly.

(b) All stock mortgages debenture stock and other securities created issued or granted by the Company prior to the passing of this Act shall remain valid in all respects and continue to be held by the persons who immediately before the passing of this Act were the holders thereof according to the registers of the Company on and subject to the same terms conditions trusts declarations agreements charges liens and encumbrances in all respects as if the former Acts and Orders had not been repealed.

(c) All certificates or deeds for and all sales transfers and dispositions made or executed before the passing of this Act for and with respect to any stock mortgage debenture stock or other security of the Company shall remain in full force and continue and be available in all respects as if the former Acts and Orders had not been repealed.

(d) All registers of or of transfers of stock mortgages debenture stock or other securities and the stockholders' address book and all minute books and other books documents and writings whatsoever of or relating to the Company or the directors of the Company shall continue valid in all respects as if the former Acts and Orders had not been repealed.

(e) All directors officers auditors and servants of the Company who held office or were in the employ of the Company immediately before the passing of this Act shall continue to hold office or be in the employ of the Company on the same terms and conditions in all respects as if the former Acts and Orders had not been repealed. A.D. 1929.

(f) All securities and moneys respectively forming part of the reserve fund special purposes fund benefit fund and superannuation fund of the Company shall continue to form part of the same fund and may be applied dealt with or disposed of in like manner and to like purposes and to the like extent as if the former Acts and Orders had not been repealed.

(g) All purchases sales conveyances grants assurances deeds contracts and agreements entered into or made before the passing of this Act by to or with the Company or any trustee or person acting on behalf of the Company or by to or with any other person to whose rights and liabilities the Company have succeeded and in force immediately before the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if the former Acts and Orders had not been repealed.

(h) The repeal of the former Acts and Orders shall not in any way release discharge or suspend any action suit or other proceeding which was pending by or against the Company or any member thereof in relation to the affairs of the Company or to which the Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act and every such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company or any member thereof (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Company or any member thereof if the former Acts and Orders had not been repealed.

(i) All rules and regulations made by the Company and in force immediately before the passing of this Act (including the rules and regulations relating to the Company's co-partnership or profit-sharing scheme) shall continue in force in like manner and to the like extent as if the former Acts and Orders had not been repealed.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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