



CHAPTER cliii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Cambridge University and Town Gas Cleethorpes Gas Tipperary Gas and Welwyn Knebworth and District Gas. [13th December 1912.] A.D. 1912.

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.
c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Orders made by the Board of Trade as aforesaid and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

1. This Act may be cited as the Gas Orders Confirmation (No. 2) Act 1912. Short title.

2. The Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and effect. Confirmation
of Orders in
schedule.

3.—(1) The Undertakers named in the Tipperary Gas Order hereby confirmed shall not under the powers of that Order

A.D. 1912.
of working
class under
Tipperary
Gas Order.

purchase or acquire any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the said Undertakers acquire or appropriate any house or houses for the purposes of the said Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that any court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

As to costs
of Tipperary
Urban
District
Council.

4.—(a) It shall be lawful for the Council for the urban district of Tipperary from time to time (independently of any other borrowing power) to borrow at interest any sum or sums of money required for the purpose of paying the costs charges and expenses payable by them respectively preliminary to and of and incidental to the opposition in Parliament to the Bill promoted by the Tipperary Gas Company Limited in 1910 and to the opposition before the Board of Trade and in Parliament to the Order confirmed by this Act and to the Bill for the confirmation of that Order as taxed and ascertained by the taxing officer of the House of Lords or the House of Commons as if such costs and charges were expenses incurred by the said district council in the execution of the Public Health (Ireland) Act 1878.

(b) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general

district rate of their district The Council shall pay off all moneys borrowed by them under this section within a period of five years from the date or dates of borrowing the same. A.D. 1912.

(c) The Council may raise all or any moneys which they are authorised to borrow under this section either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in the other and the provisions of the Public Health (Ireland) Act 1878 relating to the borrowing and repayment of money (except so much of section 237 of that Act as relates to the sanction of the Local Government Board for Ireland and subsections (1) (2) and (3) and so much of subsection (4) as relates to the sanction of the Local Government Board for Ireland of section 238 of that Act) shall apply to moneys borrowed by the Council under this section.

(d) The clerk of the Urban District Council shall within twenty-one days after the thirty-first day of March in each year during which any instalment is required to be paid under this section transmit to the Local Government Board for Ireland a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amounts which have been paid as instalments during the year preceding the making of such return And in the event of any wilful default in making such return the clerk of the Council in default shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board for Ireland and which shall be recoverable by that Board in a summary manner and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board for Ireland out of the High Court.

If it appears to the Local Government Board for Ireland by that return that the said Council have failed to pay any instalment required to be paid (whether such instalment is required by this section or by the Local Government Board for Ireland in virtue thereof to be paid) the Local Government Board for Ireland may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board for Ireland out of the High Court.

A.D. 1912.

SCHEDULE.

LIST OF ORDERS.

CAMBRIDGE UNIVERSITY AND TOWN GAS.—Order extending the limits of supply of the Cambridge University and Town Gas Light Company making provision with respect to the disposal of stock and deposits held under the Company's co-partnership scheme and for other purposes.

CLEETHORPES GAS.—Order empowering the Cleethorpes Gas Company to extend their limits of supply to raise additional capital and for other purposes.

TIPPERARY GAS.—Order empowering the Tipperary Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the urban district of Tipperary in the county of Tipperary and for other purposes.

WELWYN KNEBORTH AND DISTRICT GAS.—Order empowering the Welwyn Knebworth and District Gas Company Limited to maintain continue and construct gasworks and to manufacture and supply gas within the parishes of Aston Datchworth Watton-at-Stone Tewin Welwyn Digswell Ayot St. Peter Ayot St. Lawrence Codicote Knebworth and Shephall all in the county of Hertford and for other purposes.

CAMBRIDGE UNIVERSITY AND TOWN GAS.

A.D. 1912.

Order extending the limits of supply of the Cambridge University and Town Gas Light Company making provision with respect to the disposal of stock and deposits held under the Company's co-partnership scheme and for other purposes.

Cambridge
University
and Town.

PART I.

GENERAL PROVISIONS.

Preliminary.

1. This Order may be cited as the Cambridge University and Town Gas Order 1912. Short title.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of
Order.

3. The provisions of the Gasworks Clauses Acts 1847 and 1871 are (except where the same are expressly varied by the existing Acts as hereinafter defined or this Order) incorporated with and form part of this Order Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section For the purposes of such incorporation the term "special Act" in the said incorporated Acts shall mean this Order. Incorporation of Acts.

4. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpreta-
tion.

The expression "the existing Acts" means the Cambridge University and Town Gas Act 1867 the Cambridge University and Town Gas Act 1881 and the Cambridge University and Town Gas Act 1899 as amended by the Gas Companies (Removal of Sulphur Restrictions) Act 1906 and the Gas Companies (Standard Burner) (No. 2) Act 1910.

Undertakers.

5. The Cambridge University and Town Gas Light Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

Extension of Limits.

*Cambridge
University
and Town.*
Extension of
limits of
supply.

6.—(1) From and after the commencement of this Order the limits of the Undertakers for the supply of gas shall extend to and include (in addition to the limits of supply under the existing Acts) the parishes of Great Shelford Little Shelford Stapleford Impington and Fulbourn all in the rural district of Chesterton in the county of Cambridge (which parishes are hereinafter referred to as "the new limits") and the Undertakers shall have and may exercise within the new limits all such and the like powers rights privileges authorities and immunities and shall be subject to the like obligations which they now have or may exercise and are subject to within the limits of supply under the existing Acts and the existing Acts shall be in force and have effect within the new limits accordingly Provided that the Undertakers may from time to time charge for gas supplied within the parishes of Great Shelford Little Shelford Stapleford and Fulbourn a sum of sixpence per one thousand cubic feet in excess of the sum from time to time charged for gas supplied for like purposes within the limits of supply under the existing Acts.

(2) The Undertakers may continue maintain and use any mains pipes and other works laid down or constructed by them before the commencement of this Order within the new limits as if the same had been laid down or constructed by them under the powers of this Order and the provisions of this Order and of the Acts incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Order.

Notice of
reinstatement of
certain roads
&c. to be
given to
Cambridge
County
Council.

7. The Undertakers in addition to the notices required by the Gasworks Clauses Act 1847 shall immediately after reinstating the soil or pavement of any county or main road or county bridge outside the borough of Cambridge as existing on the first day of February 1912 but within the limits of supply under the existing Acts or within the new limits opened or broken up by them under the provisions of the Gasworks Clauses Act 1847 give to the surveyor to the Cambridge-shire County Council notice in writing of such reinstatement.

Agreements
for reinstatement of roads
by road
authority.

8.—(1) The Undertakers on the one hand and any body or person for the time being liable to repair any street or bridge or part of a street or bridge (hereinafter referred to as "the road authority") within the limits of supply under the existing Acts or within the new limits but outside the borough of Cambridge as existing on the first day of February 1912 on the other hand may enter into and carry into effect agreements for and with respect to the reinstatement and making good by the road authority of any street or bridge opened or broken up by the Undertakers under the powers of the existing Acts or this

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

Order and for the repayment to the road authority by the Undertakers of any expenses properly incurred by the road authority with respect to the reinstatement and making good of such street or bridge.

A.D. 1912.

*Cambridge
University
and Town.*

(2) Where any such agreement has been entered into the Undertakers shall give to the road authority not less than twenty-four hours notice in writing that any work which has involved the opening or breaking up of any street or bridge repairable by the road authority is so far completed as to be ready for the reinstatement and making good of the surface of such street or bridge and upon the expiration of such notice the road authority shall proceed to exercise and discharge the duties of the Undertakers with regard to the reinstatement and making good of such street or bridge subject to the like restrictions and conditions so far as the same are applicable as the Undertakers would themselves be subject to in so doing and the Undertakers shall be relieved from such duties and shall not be liable to any penalty or obligation imposed upon them with respect to the reinstatement and making good or maintenance of any such street or bridge by sections 10 11 and 12 of the Gasworks Clauses Act 1847 nor be in any way responsible for any failure of or delay in carrying out such work nor for any accident damage claim or demand caused by or arising therefrom.

9. Notwithstanding anything in this Order or any Act contained the following provisions for the protection of the Great Eastern Railway Company (hereinafter called "the railway company") shall be in force and have effect and be binding on the Undertakers:—

For protection of
Great Eastern
Railway
Company.

(1) In laying down and in executing any works in connection with the laying down or the repair and renewal of any mains pipes or other works which the Undertakers may by this Order be authorised to lay down and execute upon across over under or in any way affecting the railways lands and property now or hereafter belonging to or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only (except in cases of emergency arising from defects in any of the pipes or other works) according to plans and sections to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Undertakers who shall also restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Cambridge
University
and Town.*

to any operations of the Undertakers Provided always that if such principal engineer shall not approve or disapprove any such plans or sections so submitted to him within fourteen days after the same are delivered or shall refuse or neglect for the space of seven days after being requested so to do by the Undertakers to superintend the work the Undertakers may proceed with the work without the approval of the plans and sections and without the superintendence of the said engineer respectively :

(2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon and if any injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge level crossing or other property the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable :

(3) Any dispute or difference which may arise between the railway company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences with road authority or railway or other companies.

10. If any difference arises between the Undertakers and any road authority railway canal or other company or person whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Application of funds.

11. The Undertakers may from time to time apply to the purposes of this Order to which capital is properly applicable any moneys which they have already raised or are authorised to raise under the existing Acts.

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

Costs of Order.

12. All costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

A.D. 1912.

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*Cambridge
University
and Town.*
Costs of
Order.

PART II.

PROVISIONS RELATING TO COPARTNERSHIP SCHEME.

13. In this Part of this Order "the directors" and "the secretary" respectively mean the directors and the secretary of the Undertakers "the trustees" means the trustees under the copartnership scheme of the Undertakers "copartner" means any person who is a copartner under such scheme "stock" means stock of the Undertakers "deposits" means and includes any bonus accumulations of dividend and interest and savings of a copartner credited to his account under such scheme "nominee" means any person or persons named in a nomination made under this Part of this Order and "beneficiary" means and includes any nominee entitled under a nomination made under this Part of this Order and any person entitled under the section of this Order of which the marginal note is "Disposal in case of intestacy" to be registered as holder of any stock or to be paid any deposits.

Definitions.

14. Notwithstanding anything in the Cambridge University and Town Gas Act 1899 the Undertakers may from time to time issue to the trustees such an amount of stock created or authorised to be created under the said Act as the trustees may from time to time require to purchase for the purposes and under the provisions of the copartnership scheme or to any copartner at the request of the trustees such amount of stock as the trustees may specify without having previously offered such stock for sale by public auction or tender or to the holders of shares or stock of the Undertakers Provided that any stock issued under the provisions of this section shall be issued at the value of stock of the same class or description at the date of issue such value to be determined as hereinafter mentioned.

Issue of
stock to
trustees and
copartners.

15. Subject to and in accordance with the regulations set forth in the schedule to this Order any copartner not being under the age of sixteen years may nominate any person or persons who on the death of the copartner shall subject to the provisions of this Part of this Order and to the extent of a total value of not exceeding one hundred pounds be entitled to be registered as holder of any stock and to be paid any deposits standing in the name or to the credit of the copartner at his death.

Disposal of
stock and
deposits by
nomination.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Cambridge
University
and Town.*
Proceedings
on death of
nominator.

16.—(1) After the expiration of one month from the death of a copartner who has made a nomination in force at his death the directors and the trustees shall subject to the provisions of this Part of this Order give effect to the nomination to the extent of a total value not exceeding one hundred pounds and shall respectively in accordance with the directions of the nomination but subject to the extent aforesaid register the nominee as holder of the stock and pay to the nominee the deposits standing in the name or to the credit of the copartner at his death or as the case may be the portion of the stock and deposits mentioned in the nomination. Provided that if the directors or trustees receive notice of any claim of a creditor of the deceased copartner before the expiration of one month from the death of the copartner they shall not give effect to the nomination until such claim has been satisfied disproved or withdrawn.

(2) Notwithstanding anything in this section if the total value of the stock and deposits standing in the name or to the credit of the copartner at his death exceeds ninety pounds the directors and the trustees shall before giving effect to the nomination to a greater extent than seventy-five pounds require the production of a duly stamped receipt for the legacy duty payable on such stock or deposits or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable and the Commissioners shall give such receipt letter or certificate on the payment of the duty or satisfactory proof that no duty is payable as the case may be.

Legality of
acts done in
ignorance of
marriage of
nominator.

17. 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 copartner 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 the sum so paid.

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

18. In the event of the directors or trustees being restricted under the provisions of this Part of this Order from giving effect to any nomination made by a deceased copartner and in force at his death to the whole extent of the nomination they shall primarily give effect thereto to the extent to which it relates to stock.

Disposal in
case of
intestacy.

19.—(1) If any copartner dies without having made any nomination under this Part of this Order in force at his death and the total value of the stock and deposits standing in his name or to his credit at his death does not exceed one hundred pounds and probate of the will of the copartner or letters of administration to his estate are not produced within one month after his death then at the expiration of such month the directors and the trustees shall respectively subject

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

to the provisions of this Part of this Order register the stock in the names of and pay the deposits to—

A.D. 1912.
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*Cambridge
University
and Town.*

- (a) The widow (if any) of the deceased copartner;
- (b) If there be no widow the persons entitled to his effects according to the statutes for the distribution of the effects of intestates in the respective shares in which they are entitled under those statutes:

Provided that in every case where the deceased copartner has left no widow and the persons entitled under the aforesaid statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds among such persons in the shares in which they are entitled under the said statutes and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser:

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased copartner before the expiration of one month from the death of the copartner they shall not deal with the stock or deposits under this section until such claim has been satisfied disproved or withdrawn.

(2) The provisions of this section shall also apply in the case of the death of any copartner having at his death in his name or to his credit stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits standing in his name or to his credit at his death but in such case the provisions of this section shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(3) Notwithstanding anything in this section if the total value of the stock and deposits standing in the name or to the credit of the deceased copartner exceeds ninety pounds the directors and the trustees shall before dealing with the stock or deposits under this section to a greater extent than seventy-five pounds require the production of a duly stamped receipt from the Commissioners of Inland Revenue for the legacy duty payable on such stock and deposits or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable and the Commissioners shall give such receipt letter or certificate on payment of the duty or satisfactory proof that no duty is payable as the case may be.

(4) Any registration of stock or payment of deposits or the proceeds of a sale in the name of or to any person who at the time appears to the directors to be entitled to such stock proceeds or deposits under the foregoing provisions of this section or in the name of or to any person under either of the sections of this Order of which the marginal

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Cambridge
University
and Town.*

notes are "Provisions as to infant beneficiaries" and "Directors may appoint trustee for infant beneficiary" 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 or the trustees under the provisions of this section shall be valid and effectual against any demand made upon the Undertakers the directors or the trustees by any other person Provided nevertheless that the legal personal representative of the deceased copartner shall have remedy for recovery of such stock proceeds or deposits against the person in whose name the same has been registered or to whom the same has been paid but nothing in this proviso shall confer upon any person any such remedy against a bonâ fide purchaser of such stock or against the widow of a deceased copartner or shall confer upon any person in trust for whom or on behalf or for the benefit of whom the stock proceeds or deposits have been so registered or paid any such remedy against the person in whose name or to whom the same have been registered or paid.

Provisions as to fractional parts of one pound of stock.

20. In every case where under the provisions of this Part of this Order any beneficiary would be entitled to be registered as the holder of any fractional part of one pound of stock either alone or together with an integral number of pounds of stock it shall be lawful for the directors in lieu of registering such beneficiary as holder of such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such fractional part on the date of the death of the copartner in whose name the stock was previously registered and the trustees shall forthwith repay such sum to the directors out of any moneys in their hands requiring to be invested under the copartnership scheme and such fractional part of stock shall forthwith be registered in the names of the trustees.

Provisions as to infant beneficiaries.

21. Where any beneficiary is an infant under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors and the trustees may respectively notwithstanding any other provisions of this Part of this Order register the stock and pay the deposits to which the infant 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 on such stock for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid.

Directors may appoint trustee for

22. Where any beneficiary is an infant under the age of sixteen years it shall be lawful for the directors by a resolution to appoint

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

any person whom they think fit to act as a trustee for such infant beneficiary and thereupon the directors and the trustees shall respectively notwithstanding any other provisions of this Part of this Order register the stock and pay the deposits to which the infant beneficiary is entitled to such person and such person shall apply the deposits and the dividends on the stock or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the infant beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid Provided always that if and when the infant beneficiary attains the age of sixteen years the person so appointed shall transfer or pay to the beneficiary any stock deposits or proceeds of sale then held by such person on behalf of the beneficiary.

A.D. 1912.
Cambridge University and Town.
infant beneficiary.

23. Where 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 trustees at the value thereof to be determined in manner hereinafter appearing and the trustees if so required by the beneficiary shall apply any moneys in their hands requiring to be invested under the copartnership scheme in the purchase of such stock.

Power to infant beneficiary over sixteen to sell stock.

24. The receipt of any beneficiary who has attained the age of sixteen years shall be a good discharge for any sum paid to him notwithstanding such beneficiary has not attained the age of twenty-one years.

Receipt of infant beneficiary to be a valid discharge.

25. When the principal value of the estate for the purpose of estate duty of any deceased copartner exceeds one hundred pounds any stock registered or deposits standing in his name or to his credit at his death shall be deemed for the purpose of estate duty to be property passing on the death of the copartner but neither the directors or the trustees shall be accountable for the payment of the estate duty in respect of any stock or deposits which they have registered paid over distributed or otherwise disposed of in accordance with the provisions of this Part of this Order.

Estate duty payable in certain cases.

26. The directors and trustees before dealing with any stock or paying to any person any deposits standing in the name or to the credit of a deceased copartner shall satisfy themselves that the principal value of the estate for the purpose of estate duty of the deceased copartner does not exceed one hundred pounds and in the absence of other evidence to their satisfaction shall be empowered to require a statutory declaration by such person or some beneficiary to that effect and if such principal value exceeds one hundred pounds they shall before dealing with the stock or paying the deposits to any person other than the legal personal representative of the deceased copartner

Power to require declaration of value of estate.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912. to an extent greater than three-fourths of the total value of such stock
and deposits require production of a certificate from the Commissioners
of Inland Revenue of the payment of the estate duty.

*Cambridge
University
and Town.*

Value of
stock.

27. For the purposes of this Part of this Order the value of any stock shall be deemed to be the average price at which according to the Undertakers' books sales of stock of the same class or description were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined after making due allowance for any enhancement in price by reason of any accrued dividend and such average price shall be certified by the secretary.

SCHEDULE referred to in the foregoing Order.

REGULATIONS AS TO NOMINATIONS BY COPARTNERS.

1. In these regulations the respective expressions "the directors" "the secretary" "stock" "deposits" and "nominee" have the same respective meanings as are given thereto in Part II. of the Cambridge University and Town Gas Order 1912 and the expression "appointor" means any person who makes a nomination under the provisions of Part II. of that Order.

2. 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 and shall be sent by post or otherwise to the secretary during the lifetime of the appointor.

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

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

5. A nomination may be revoked by the appointor by a subsequent nomination registered in accordance with these regulations or by writing under his hand signed in the presence of a witness and the revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

A.D. 1912.

*Cambridge
University
and Town.*

6. A revocation when received by the secretary shall be registered in like manner as in the case of a nomination and the receipt thereof shall be acknowledged.

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

8. The marriage of an appointor shall operate as a revocation of any nomination theretofore made by that appointor.

9. A nomination may relate to the whole of the stock and deposits standing in the name or to the credit of an appointor or to part only of such stock and deposits.

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

11. 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 or any of them 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.

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

CLEETHORPES GAS.

Order empowering the Cleethorpes Gas Company to extend their limits of supply to raise Additional Capital and for other purposes.

Cleethorpes.

Preliminary.

1. This Order may be cited as the Cleethorpes Gas Order 1912 and the Cleethorpes Gas Act 1866 (in this Order referred to as "the Act of 1866") the Cleethorpes Gas Act 1875 (in this Order referred to as "the Act of 1875") the Cleethorpes Gas Order 1879 (in this

Short and
collective
titles.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912. Order referred to as "the Order of 1879") and the Cleethorpes Gas Act 1900 (in this Order referred to as "the Act of 1900") and this Order may be cited collectively as the Cleethorpes Gas Acts and Orders 1866 to 1912.

Cleethorpes.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Incorporation
of Acts.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Gasworks Clauses Act 1847 (except sections 31 to 34 inclusive) and the Gasworks Clauses Act 1871 are except where expressly varied by this Order incorporated with and form part of this Order:

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

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

For the purposes of such incorporation the term "special Act" in the said Acts respectively shall be construed to mean this Order and the term "the Company" shall mean the Undertakers.

A.D. 1912.
Cleethorpes.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the authorised rates" means the rates of dividend authorised by the Act of 1900 and this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the expression "the undertaking" shall mean the undertaking of the Undertakers as extended by this Order.

Interpreta-
tion.

Undertakers.

5. The Cleethorpes Gas Company incorporated by the Act of 1866 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

Extension of Limits of Supply.

6. The limits of supply of the Undertakers are hereby extended so as to include the parish of Humberstone in the rural district of Grimsby in the county of Lincoln (in this Order called "the additional limits of supply") and the Undertakers shall have and may exercise within the additional limits of supply all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the authorised limits of supply of the Undertakers.

Extension of
limits of
supply.

Capital.

7. In addition to the capital already authorised respectively to be consolidated and raised by the Undertakers under the Act of 1900 (in this Order referred to as "the original capital") they may—

Additional
capital.

- (1) Raise any further sums not exceeding in the whole eighty thousand pounds (in this Order referred to as "the additional capital") by the creation and issue of new ordinary stock Provided that it shall not be lawful for the Undertakers to create and issue under the powers of this Order any greater nominal amount of capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of eighty thousand pounds; and
- (2) Borrow on mortgage of the undertaking in respect of the additional capital any sum or sums not exceeding in the

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.
Cleethorpes.

whole one third part of the amount of the additional capital at the time actually raised by the issue of new stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock including the premiums (if any) realised on the sale thereof have been fully paid up.

As to conversion of borrowed money into capital.

8. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of stock instead of borrowing or to convert into capital the amount borrowed under the provisions of this Order.

Except as otherwise provided new stock to be subject to same incidents as other stock.

9. Except as by this Order otherwise provided the additional capital created by the Undertakers under this Order and the new stock thereby authorised and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the additional capital were part of the share capital of the Undertakers already raised before the commencement of this Order.

Additional capital to be sold by auction or tender.

10.—(1) All stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

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

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

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

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

(c) No lot offered for sale shall comprise stock of greater nominal value than one hundred pounds: A.D. 1912.
Cleethorpes.

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

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

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

[Oh. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 Geo. 5.]
Act, 1912.

A.D. 1912.

Cleethorpes.
Power to
create debenture stock.

12. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order subject to the provisions of Part III. of the Companies Clauses Act 1863 But notwithstanding anything therein contained the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank *pari passu* with the interest of all mortgages granted by the Undertakers under the authority of this Order.

Existing mortgages to have priority.

13. All mortgages granted by the Undertakers in pursuance of any previous Act or Order shall during the continuance of such mortgages have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Priority of money raised on mortgage or debenture stock over certain other claims.

14. All money to be raised by the Undertakers on mortgage or by the issue of debenture stock under the provisions of this Order shall have priority against the Undertakers and the property from time to time of the Undertakers over all other claims on account of any debts incurred or engagements entered into by them after the commencement of this Order Provided always that this priority shall not affect any claim against the Undertakers or their property in respect of any rent-charge 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 Undertakers which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

Appointment of receiver.

15. Section 19 (Appointment of a receiver) of the Act of 1900 is hereby repealed as from the commencement of this Order but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending under any such provisions The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Limits of dividend on capital.

16. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

dividend on the additional capital by this Order authorised than five pounds in respect of every one hundred pounds of such capital actually paid up subject nevertheless to reduction or increase in accordance with section 16 of the Act of 1900.

A.D. 1912.
Cleethorpes.

17. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or in respect of any debenture stock issued or raised under the authority of this Order.

Limit of
interest on
borrowed
moneys.

18.—(1) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund."

Power to
create a
special pur-
poses fund.

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

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

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

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

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

(6) The money or securities standing to the credit of the reserve and insurance funds of the Undertakers at the commencement of this Order shall be credited to the special purposes fund and section 31 of the Act of 1900 authorising the formation of an insurance fund is hereby repealed.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

Cleethorpes.
Application
of excess of
profits over
authorised
rates of
dividend.

19. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the ordinary capital of the Undertakers the excess or such portion of it as is not carried to the special purposes fund shall be carried to the credit of the divisible profits of such undertaking for the next following year and section 32 of the Act of 1900 is hereby repealed. Provided that after the 31st day of December 1917 it shall not be lawful for the Undertakers at any time to permit a sum of money to be carried forward from the profit and loss account to the credit of the undertaking for the next following year in excess of an amount equal to the sum which the Undertakers might have lawfully distributed as dividend in respect of the year then last completed.

Price of Gas.

Price of gas
in additional
limits.

20. The price to be charged by the Undertakers for gas supplied by them within the additional limits of supply shall subject to the provisions of section 16 (Dividend dependent on price charged) of the Act of 1900 be a price not exceeding by more than sixpence per thousand cubic feet the price for the time being charged by them within the limits of supply as defined by the Act of 1866.

Testing Place.

Testing
place.

21. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Undertakers at their works.

Quality of Gas.

Quality.

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

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

light which may appear to the Board to be equally or more suitable for the testing.

A.D. 1912.
Cleethorpes.

(3) The Undertakers shall within three months from the commencement of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

(4) Sections 47 to 50 (both inclusive) of the Act of 1866 and sections 28 and 29 of the Act of 1875 are hereby repealed.

Pressure of Gas.

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

Pressure of gas.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

(3) Section 30 of the Act of 1875 is hereby repealed.

Miscellaneous.

24. The Undertakers may contract with any local authority company or persons authorised to supply gas under Parliamentary powers in any district adjacent to the Undertakers' limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond their limits of supply.

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

25. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by any circumstances beyond the control of the Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Exemption from penalties in certain cases.

26. The Undertakers may from time to time purchase or take on lease houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

Power to purchase or take on lease houses &c. for officers and servants.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

Cleethorpes.
Supply of gas
where con-
sumer has
separate
supply.

27. Notwithstanding anything in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Undertakers 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 Undertakers unless he shall previously have agreed to pay the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement in manner provided by the Arbitration Act 1889.

Costs of
Order.

28. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

TIPPERARY GAS.

Tipperary.

Order empowering the Tipperary Gas Company Limited to maintain and continue gasworks and to manufacture and supply gas within the Urban District of Tipperary in the county of Tipperary and for other purposes.

Short title.

1. This Order may be cited as the Tipperary Gas Order 1912.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the first day of January one thousand nine hundred and thirteen which date is in this Order referred to as "the commencement of this Order."

Incorpora-
tion of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order Provided that for the purpose of such incorporation section 13 of the said Gasworks Clauses Act 1847 shall be read and construed as if the words "or any premises" were inserted after the words

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

“private building” and as if the words “Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers” were added at the end of that section.

A.D. 1912.

Tipperary.

4. In this Order the expression “the authorised rates” means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression “the council” means the urban district council of Tipperary and “the undertaking” shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as “the limits of supply”) shall be the whole of the urban district of Tipperary in the county of Tipperary.

Limits of Order.

6. The Tipperary Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as “the Undertakers.”

Undertakers.

Capital.

7. The share capital of the Undertakers shall not for the purposes of the undertaking exceed fourteen thousand pounds consisting of the original share capital already raised by the Undertakers (in this Order referred to as “the original capital”) amounting to ten thousand pounds of which eight thousand five hundred pounds are ordinary shares and one thousand five hundred pounds are preference shares and of additional capital (in this Order referred to as “the additional capital”) to be issued subject to the provisions of this Order not exceeding four thousand pounds including any premiums which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

Additional capital to be sold by auction or tender.

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.
Tipperary.

such conditions of sale as the Undertakers shall by special resolution determine Provided as follows:—

- (A) Notice of the intended sale shall be given in writing to the clerk of the Council and to the Committee of the Dublin Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:
- (B) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in manner prescribed by resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only Provided in case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

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

A.D. 1912.

Tipperary.

(6) In case the Undertakers shall institute a copartnership scheme whereby the employees of the Undertakers will become holders of shares or stock in the capital of the Undertakers notwithstanding anything herein to the contrary contained shares or stock in the additional capital to such an amount as the trustees appointed under such scheme certify in writing is required at that date for the purposes of and under the provisions of such copartnership scheme may be offered and issued to the employees of the Undertakers or to trustees in trust for such employees at the highest price obtained for the shares or stock as the case may be at the last preceding sale of such shares or stock according to the books of the Undertakers.

9. All money raised under this Order including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise from the issue of any shares or stock under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application
of money.

10. Except as by this Order provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the original and additional capital than the standard rates of dividend herein-after mentioned namely ten pounds in respect of every one hundred pounds actually paid up of so much of the original capital as is ordinary capital and five pounds in respect of every one hundred pounds of so much of the original capital as is preference capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

Limits of
dividend on
capital.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys

Limits of
borrowing
powers.

[Ch. cliii.] *Gas Orders Confirmation (No. 2) [2 & 3 GEO. 5.] Act, 1912.*

A.D. 1912. borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Tipperary.

Dividends on different classes of ordinary shares to be paid proportionately.

12. In case in any year or in any half year when a half-yearly dividend is declared the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the authorised rates on each class of ordinary shares in the original and additional capital of the Undertakers a proportionate reduction shall be made in the dividends payable on each class.

Purchase of Lands.

Power to purchase additional lands.

13. The Undertakers may for the purposes of the undertaking purchase take on lease (by agreement but not otherwise) and hold in addition to the lands described in Schedule A. to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing or storing gas or residual products except the lands described in the said schedule.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

Undertakers may maintain and continue gasworks on lands described in Schedule A. and may make and sell gas &c.

14. The Undertakers may on the lands described in Schedule A to this Order annexed while they are possessed of the same maintain and continue alter enlarge extend improve renew or discontinue their existing gasworks and works connected therewith and may maintain alter and enlarge retorts gas-holders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke asphaltum pitch coal-tar ammoniacal liquor oil and residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas and supply and sell the same within the limits of supply and may on the same lands manufacture and store residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also erect construct and maintain alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking.

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

15.—(A) Subject to the provisions in this section contained the Undertakers may purchase or hire and supply sell let on hire and fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

all other purposes for which gas can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration and charges and make such terms and conditions as may be agreed upon.

A.D. 1912.

Tipperary.

(B) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

16. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply and distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

Power to
take licences
for use of
patents.

17. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Undertakers
may contract
for sale of
gas in bulk.

18. In executing the works and exercising the powers by this Order authorised so far as they affect any roads bridges or approaches thereto in the urban district of Tipperary (whether repairable by the council or not and whether dedicated to the public use or not) the following provisions for the protection of the council shall unless otherwise agreed between the council and the Undertakers have effect (that is to say):—

For pro-
tection of
Tipperary
Urban
District
Council.

(1) All pipes to be laid in along or across any road or bridge shall be laid in such position in or at the side thereof as the council in writing under the hand of their surveyor may reasonably direct:

(2) The Undertakers shall not open a greater continuous length of street than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

Tipperary.

- and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast:
- (3) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall (except in cases of emergency in which cases the earliest possible notice shall be given) be not less than seven days instead of three days:
 - (4) The plan required by section 9 of the last-mentioned Act shall be accompanied by a description and section of the proposed works and shall be delivered by the Undertakers to the council or their surveyor not less than fourteen days before they commence to open or break up any road or interfere with any bridge:
 - (5) From and after the commencement of this Order all mains laid by the Undertakers in any street shall be laid at a depth of not less than two feet six inches:
 - (6) The reinstatement under the provisions of this Order of the roads and bridges vested in the council and broken up by the Undertakers shall include the application of a sufficient layer of surface metalling of the same specification as that employed by the council and where the street is ordinarily repaired by the use of a steam or other roller shall include the use of such a roller by the council on the places where the street has been so broken up until the surface thereof has been made uniform with the unbroken surface adjoining and the cost shall be paid by the Undertakers:
 - (7) Nothing in this Order contained shall interfere with the right of the council to alter the line or level of or improve in any manner they think fit any street in or along which any pipes of the Undertakers shall have been laid and the Undertakers shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor to the council so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or in case of difference determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Undertakers by the council:
 - (8) All works of the Undertakers so far as they affect any streets and bridges shall be so executed by the Undertakers

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

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 road or over any bridge or the approaches thereto:

A.D. 1912.
Tipperary.

(9) The council shall not be liable to the Undertakers for any damage which may be done to any mains pipes or other works of the Undertakers by the reasonable use upon any such streets or bridges as aforesaid by the council of any steam roller or other engine and provided the weight of any steam roller does not exceed ten tons:

(10) The Undertakers upon request by the council expressed in writing under the hand of their clerk shall submit their accounts for any year ending the first day of May for examination by a chartered or incorporated accountant appointed by the council. Provided that such request shall be made before the thirtieth day of June then following:

(11) If any difference arises at any time between the council and the Undertakers touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or of the conditions of giving the same or any direction or difference shall be settled by arbitration by an engineer to be agreed on between the council and the Undertakers 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.

19. If any difference arise between the Undertakers and any road authority or railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon any road under the jurisdiction of such road authority or in over or upon such lands or works or the facilities to be afforded for the same such difference shall unless otherwise provided for by this Order be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Differences with road authorities railway or other companies.

Price of Gas.

20.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied.

Price of gas.

(2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 Geo. 5.]
Act, 1912.

A.D. 1912. substituting any other sum for the said sum of four shillings and
Tipperary. sixpence or by fixing a standard price with sliding scale as to profits
and as from the date specified in such order (hereinafter referred to
as "the specified date") the provisions set forth in Schedule B. to this
Order annexed shall be in force and have effect and this Order shall
be read and construed accordingly.

(3) A copy of any such order made by the Board of Trade shall
be published in the Dublin Gazette and a copy of the said Gazette
containing such order shall be conclusive evidence of the due making
and validity of the same and of the contents thereof.

Charges for
gas supplied
by means of
prepayment
meters.

21.—(1) The Undertakers may charge for any gas supplied through
a prepayment meter a not greater charge than for gas supplied to
private consumers within their limits of supply through any other kind
of meter or by any other method of supply.

(2) The Undertakers shall not charge for the hire of any prepay-
ment meter and fittings to be used therewith any sum other than
a sum of money calculated according to the quantity of gas supplied
through such prepayment meter and the maximum sum to be so
charged shall be at the rate of tenpence per one thousand cubic feet
so supplied in manner aforesaid such sum to include the hire of meter
and the fittings used therewith or at the rate of one shilling per one
thousand cubic feet if such fittings include a cooking stove:

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

(3) The Undertakers shall not charge for the hire of any prepayment
meter without fittings any such sum other than a sum of money calcu-
lated according to the quantity of gas supplied through such prepayment
meter and the maximum price to be so charged shall be at the rate
of sixpence per one thousand cubic feet supplied in manner aforesaid
or at the rate of ten per centum per annum on the cost of the meter
whichever shall be the greater sum:

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

(4) For the purpose of this section the expression "prepayment
meter" means any meter or appliance by which the quantity of gas
supplied is regulated according to the amount of money prepaid
therefor.

Pressure and Quality of Gas.

Pressure of
gas.

22.—(1) All gas supplied by the Undertakers to any consumer of
gas shall be supplied at such pressure as to balance a column of water
not less than eight-tenths of one inch in height at the main or as near

as may be to the junction therewith of the service pipe supplying the consumer. A.D. 1912.

Tipperary.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

23. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers on the lands described in Schedule A. to this Order annexed within six months of the commencement of this Order. Testing place.

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

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

(3) The Undertakers shall provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Miscellaneous.

25. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by them without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pay the same. Power to refuse to supply persons in debt for other property.

26. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer in writing or in person at the Undertakers' office before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the Gas consumers to give notice to Undertakers before removing.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912. consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Notice of the provisions of this section shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Notice of discontinuance.

27. A notice to the Undertakers from a consumer for 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 left at or sent by post to the office for the time being of the Undertakers or be given personally at the office of the Undertakers.

Period of error in defective meters.

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

Anti-fluctuators for gas engines.

29. Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas. The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

No penalty in case of unavoidable cause.

30. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by any circumstances beyond the control of the Undertakers. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Undertakers.

Undertakers to pay interest on deposit.

31. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any

supply of gas the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

A.D. 1912.
—
Tipperary.

32. Section 140 (Proof of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Proofs of
debts in
bankruptcy.

33. Notwithstanding anything contained in section 35 of the Gasworks Clauses Act 1871 the annual statement of accounts of the Undertakers shall be made up to the first day of May in each year and forwarded to the local authority of every district within the limits of supply on or before the first day of August next following and the said section shall for the purposes of this Order be read and construed as though in lieu of the thirty-first day of December and twenty-fifth day of March being named therein the first day of May and the first day of August had been so named.

Time for
making up
and forward-
ing accounts
to local
authorities.

34. All the costs charges and expenses of and incident to the applying for preparing obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Undertakers.

Costs of
Order.

SCHEDULES.

SCHEDULE A.

GAS LANDS.

Lands belonging or reputed to belong to Lord Barrymore and leased by him to the Undertakers and situate in the townland of Town Lot in the urban district and parish of Tipperary and Barony of Clanwilliam in the county of Tipperary containing by admeasurement two roods nineteen poles or thereabouts and on which the gasworks of the Undertakers are situate bounded on the north by Gaol Street and hereditaments belonging or reputed to belong to Joseph English on the south by the River Ara on the east by a field belonging or reputed to belong to Edmund Hogan and a garden belonging or reputed to belong to the Bank of Ireland and on the west by Gaol Street or Gas House Lane and the River Ara.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

Tipperary.

SCHEDULE B.

The foregoing Order shall after the making by the Board of Trade of an order in pursuance of the provisions in that behalf therein contained prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

Sections 30 to 34 of Gasworks Clauses Act 1847 shall cease to be incorporated.

(1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund.

Price of gas with sliding scale as to dividend.

(2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

price has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of the original capital of the Undertakers issued as ordinary capital and by three shillings and sixpence on every one hundred pounds of the additional capital of the Undertakers issued as ordinary capital and so in proportion for any fraction of one hundred pounds.

A.D. 1912.

Tipperary.

(3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund." Power to create a special purposes fund.

(ii) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

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

(iii) 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 Undertakers including premiums.

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

(v) 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.

(4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year: Application of excess of profits over authorised rates of dividend.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A. D. 1912.

Tipperary.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Power to create a reserve fund and application thereof.

(5) When in any year the dividends of the Undertakers on the ordinary capital of the Undertakers shall exceed the standard rates of dividend by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(6) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

WELWYN KNEBORTH AND DISTRICT GAS.

Welwyn Knebworth and District.

Order empowering the Welwyn Knebworth and District Gas Company Limited to maintain continue and construct gasworks and to manufacture and supply gas within the Parishes of Aston Datchworth Watton-at-Stone Tewin Welwyn Digswell Ayot St. Peter Ayot St. Lawrence Codicote Knebworth and Shephall all in the County of Hertford and for other purposes.

Short title.

1. This Order may be cited as the Welwyn Knebworth and District Gas Order 1912.

Commence-
ment of
Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with this Order) Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company" shall be alike in terms and amount under like circumstances to all "consumers" were added at the end of that section and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1912.
*Welwyn
Knebworth
and District.
Incorporation
of Acts.*

4. In this Order the expression "authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained continued and constructed.

*Interpreta-
tion.*

5.—(1) The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Aston Datchworth Watton-at-Stone and Tewin in the rural district of Hertford Welwyn Digswell Ayot St. Peter Ayot St. Lawrence in the rural district of Welwyn Codicote Knebworth and Shephall in the rural district of Hitchin all in the county of Hertford.

*Limits of
supply.*

(2) The Undertakers shall within twelve months of the commencement of this Order extend their gas mains to a point opposite the Station Hotel in the parish of Knebworth and to a point in the parish of Codicote at the junction of the London Road with the road leading from St. Giles Church to Knebworth Park.

(3) If at the expiration of five years from the commencement of this Order the Undertakers are not affording a sufficient supply of

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912. gas in accordance with the provisions of this Order in any parish within the limits of supply the powers conferred upon the Undertakers by this Order in respect of that parish shall thereupon absolutely cease and determine.

*Welwyn
Knebworth
and District.*

Undertakers.

Undertakers. 6. The Welwyn Knebworth and District Gas Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

Capital. 7. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand pounds consisting of the share capital of six thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to this Order not exceeding six thousand pounds including any premium which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

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

8.—(1) All shares or stock forming part of the additional capital shall be issued in accordance with the provisions of this section.

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

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

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

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds: A.D. 1912.

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

(e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

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

10. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends on their capital than at the following rates namely ten pounds in respect of *Limit of dividend.*

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912. every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital and five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

*Welwyn
Knebworth
and District.*

Limit of
borrowing
powers.

11. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking (including the sum of one thousand five hundred pounds already borrowed upon the security of first mortgage debentures) shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the commencement of this Order and secured as aforesaid.

Lands and Works.

Power to
purchase
additional
lands.

12.—(1) The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in Schedule A. to this Order annexed any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule.

(2) The Undertakers shall as soon as practicable plant on the north-east south-east and south-west margins of the lands secondly described in the Schedule A. to this Order annexed or with the consent in writing of the owner thereof the lands adjoining and immediately outside the said margins with new Canadian poplars conifers and non-deciduous trees and shall upon the said lands cultivate and maintain trees of the description aforesaid so planted as to provide as far as practicable an efficient screen round the said lands.

Power to
maintain
continue and
construct
gasworks.

13. The Undertakers may upon the lands described in Schedule A. to this Order so long as they are possessed of such lands maintain and continue and construct erect make and maintain and may alter enlarge extend improve or discontinue their existing gasworks and the works connected therewith and additional and new gasworks retorts retort houses gas-holders receivers purifiers meters apparatus works conveniences and buildings and works connected therewith for the manufacture distribution storage conversion and sale of gas and of coke and of other

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

residual products obtained in the manufacture of gas and may make and store gas and may manufacture sell provide supply and deal in coke tar and all other residual products or refuse of any materials employed in or resulting from the manufacture of gas by them and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

A.D. 1912.

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*Welwyn
Knebworth
and District.*

14. Notwithstanding anything contained in this Order or any enactment incorporated therewith the following provisions for the protection of the county council of the administrative county of Hertford and of the rural district councils of Hertford Hitchin and Welwyn (each of which councils is in this section referred to as "the council") shall unless otherwise agreed between the Undertakers and the council have effect:—

For pro-
tection of
Hertford-
shire County
Council and
Rural Dis-
trict Councils.

- (1) The Undertakers shall not permit any trench made by them in any road street bridge or other highway for the time being maintainable by the council to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred yards in length at any place where only two carts can pass at the same time :
- (2) The council shall not be liable for or in respect of any damage or injury done to any of the works of the Undertakers by reason of such work being laid at a depth below the surface of any road street bridge or other highway insufficient for its protection from injury arising from the use by the council of any steam-roller or other engine not exceeding fifteen tons in weight :
- (3) If the council shall for the purpose of repairing altering or widening any road street bridge or other highway for the time being maintainable by the council or rebuilding any such bridge at any time require the position or level of any of the works of the Undertakers laid in under or through or by the side of any such road street bridge or highway or attached to any such bridge as aforesaid to be altered the Undertakers shall at their own expense on receiving notice in writing under the hand of the clerk of the council so to do alter the same as reasonably required by such notice and with all reasonable expedition and under the superintendence (if given) of an officer of the council and any additional expense in relation to any such repairing altering widening or rebuilding as aforesaid to which the council may be put by reason of the necessity

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*

for providing for any of the works of the Undertakers shall be paid by the Undertakers to the council. Provided that this section shall not extend to any such repairing altering widening or rebuilding as aforesaid which shall be required solely for the accommodation of any light railway or tramway belonging to the said county council. The Undertakers shall also pay to the council all reasonable expense actually incurred by them in relation to the superintendence by this section authorised. Any difference as to the reasonableness of any requirement contained in any such notice or as to the amount of any sum to be paid by the Undertakers to the council shall be determined by arbitration as hereinafter provided :

(4) If the Undertakers shall neglect to do or complete any work or act required by subsection (3) of this section to be done by the Undertakers then and in any such case the council may do such work or act themselves under the superintendence (if given) of the Undertakers completing the same with all reasonable expedition and in a proper and workmanlike manner and causing as little damage or inconvenience to the Undertakers as circumstances admit. The Undertakers shall repay to the council the cost of doing any such work or act and all proper costs charges and expenses incurred in connection therewith or occasioned by such neglect as aforesaid :

(5) The council shall not be liable to pay to the Undertakers any compensation for injury to any of the works of the Undertakers or for any loss to the Undertakers which may be caused by or arise out of the doing by the council in a proper and workmanlike manner of any such work or act as aforesaid or by or out of the reasonable exercise of any of the powers for the time being vested in the council as a road or bridge authority :

(6) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protec-
tion of Great

15. The following provisions for the protection of the Great Northern Railway Company (in this section called "the Great Northern Company")

shall unless with the consent of the Great Northern Company under their common seal apply and have effect:—

A.D. 1912.

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*Welwyn
Knebworth
and District.*
Northern
Railway
Company.

(1)—(a) The Undertakers shall within one month of the date on which the Bill for confirming this Order shall receive the Royal Assent pay to the Great Northern Company the sum of six hundred pounds and the Great Northern Company shall thereupon proceed to erect and with all reasonable despatch complete three houses for the accommodation of their servants now occupying the three existing houses situate on the land coloured pink on the plan marked "A" signed by Alfred James Brickwell on behalf of the Great Northern Company and by Frank Harding Jones on behalf of the Undertakers (a copy of which has been deposited for identification with the Board of Trade);

(b) As soon as the said new houses are ready for occupation the Great Northern Company shall grant the Undertakers a lease with vacant possession of the said land coloured pink on the said plan and the said three existing houses and the outbuildings thereon for a term of twenty-one years from the date on which such possession thereof is given to the Undertakers at a rent of one shilling per annum payable on the 31st day of December in every year and the Great Northern Company shall so far as necessary fence off the said land from their other property;

(c) During the continuance of the said lease the Undertakers shall bear pay and discharge all existing and future rates taxes duties impositions and outgoings whatsoever imposed or charged upon the demised premises or upon the owner or occupier in respect thereof and execute and do all such repairs and things as may be required by any public authority to be executed or done to or in respect of the demised premises and will indemnify the Great Northern Company against all costs and expenses which they as the owners of the freehold or reversion of the demised premises may be required to incur;

(d) The Undertakers shall not be entitled to access to the demised premises over any property of the Great Northern Company lying to the east or south thereof but they shall obtain access to the demised premises direct from the said lands secondly described in Schedule A. to this Order;

(e) If the Great Northern Company shall at any time during the continuance of the said term require the demised premises

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 Geo. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*

for the purposes of their undertaking otherwise than for use for cottages they shall be at liberty to determine the said lease by giving to the Undertakers six months notice in writing but in that event they shall on the determination of the said lease pay to the Undertakers one twenty-first part of the said sum of six hundred pounds for every full year and a proportionate part thereof for every part of a year of the said term unexpired at the date of such determination :

- (2)—(a) All mains and pipes laid or proposed to be laid by the Undertakers under the powers of this Order over or under any bridge of the Great Northern Company shall be carried over or under the same in such a way as not to interfere with the structure of any such bridge and all other mains and pipes laid or proposed to be laid or maintained by the Undertakers under the powers of this Order which shall cross any railway of the Great Northern Company shall be carried under the same in a pipe or culvert of sufficient dimensions to admit of such mains and pipes being relaid or repaired without interference with the railway the top of any such pipe or culvert in no case being nearer the bottom of the rails of the railway than four feet ;
- (b) In laying and maintaining any mains pipes culverts or other works over upon or across or under any work or property of the Great Northern Company the Undertakers shall with all reasonable despatch execute and maintain their works under the direction and superintendence and to the reasonable satisfaction of the engineer of the Great Northern Company and at such times as he shall direct and in accordance with plans drawings and specifications previously submitted to and reasonably approved by him and shall pay and make good to the Great Northern Company all loss damages and expenses including all expenses of superintendence watching lighting signalling and protecting their property which the Great Northern Company shall sustain or be put to by or in consequence of the laying maintenance failure or user of the said mains pipes culverts and other works ;
- (c) If at any time it is found necessary in order to enable the Great Northern Company to carry out any alterations or extensions of their railway or works that the position of such mains pipes or culverts shall be altered or that such mains pipes or culverts be extended the Undertakers shall on receiving notice in writing from the Great Northern Company

so to do at their own cost with all despatch alter the position of or extend the same so far as may be necessary to enable the Great Northern Company to carry out such alterations or extensions and the provisions of this section shall apply to the said mains pipes or culverts as altered or extended ;

A.D. 1912.

*Welwyn
Knebworth
and District.*

(d) If the Great Northern Company give the Undertakers notice that they themselves desire to construct so much of the works or to carry out so much of the alterations or extensions of such mains pipes or culverts as will affect any railway or work belonging to the Great Northern Company the Great Northern Company may themselves execute such works alterations and extensions and recover the reasonable cost thereof from the Undertakers ;

(e) Any difference arising between the Undertakers and the Great Northern Company under subsection (2) of this section shall be determined by an arbitrator to be appointed failing agreement by the Board of Trade and nothing in the section of this Order the marginal note whereof is "Differences with railway and other companies" shall apply to the Great Northern Company.

16. If any difference arise between the Undertakers and any road authority or any railway canal or other company whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon any road under the jurisdiction of such road authority or in over or upon such lands or works or the facilities to be afforded for the same such difference unless otherwise provided for by this Order shall be settled by an engineer or other fit person to be appointed by the Board of Trade as arbitrator at the request of either party.

*Differences
with road
authorities
railway or
other com-
panies.*

Testing Place.

17. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Undertakers at their gasworks within six months of the commencement of this Order.

*Testing
place.*

Pressure of Gas.

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

*Pressure of
gas.*

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Order subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Undertakers shall afford to the examiner all reasonable facilities for making the test.

Quality of Gas.

Quality of
gas.

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

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light. Provided that the Board of Trade may on the application of the Undertakers or the local authority approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within six months of the commencement of this Order provide at their works a testing place and all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

Price of Gas.

Price of gas.

20.—(1) The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and fourpence per thousand cubic feet and so in proportion for any less quantity supplied.

(2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and fourpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order

(hereinafter referred to as "the specified date") the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly.

A.D. 1912.

Welwyn
Knebworth
and District.

(3) A copy of any such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

21.—(1) The Undertakers may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

Charge for
gas supplied
by means of
prepayment
meters.

(2) The Undertakers shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove:

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

(3) The Undertakers shall not charge for the hire of any prepayment meter without fittings any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the greater sum:

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

(4) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Miscellaneous.

22. The Undertakers may but only with the consent in writing of the owner of the soil of such street or road 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

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

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*

use supply such premises with gas and may lay down take up alter or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Undertakers
to pay in-
terest on
deposit.

23. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter the Undertakers shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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

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

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

Gas engines
&c. of
Undertakers
let on hire
though fixed
to premises
to remain
property of
Undertakers.

25.—(1) All gas engines apparatus fittings and appliances let by the Undertakers on hire shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers. Provided that such gas engines apparatus fittings and appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

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

[2 & 3 GEO. 5.] *Gas Orders Confirmation (No. 2)* [Ch. cliii.]
Act, 1912.

26.—(1) Every consumer of gas supplied by the Undertakers who uses a gas engine shall if required to do so by the Undertakers use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper order and if any consumer shall make default in complying with the provisions of this section the Undertakers may cease to supply him with gas.

A.D. 1912.
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*Welwyn
Knebworth
and District.*
Anti-fluctua-
tors for gas
engines.

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

27. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take acquire and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

Power to
take licences
for patents
&c.

28.—(1) At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer in writing or in person at the Undertakers' office before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur.

Gas con-
sumers to
give notice
to Under-
takers before
removing.

(2) Notice of the effect of this enactment shall be endorsed on every demand note for gas charges payable to the Undertakers.

29. A notice to the Undertakers 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 for the time being of the Undertakers or be given personally at the office of the Undertakers.

Notice of
discontin-
uance.

30. If a person requiring a supply of gas from the Undertakers has previously quitted premises at which gas was supplied to him by the Undertakers without paying to them all gas charges and meter rent due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

Power to
refuse to
supply per-
sons in debt
for other
premises.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*
Period of
error in de-
fective
meters.

31.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers 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 Undertakers.

No penalty
in case of
unavoidable
cause.

32. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was caused by circumstances beyond the control of the Undertakers Provided that the want of sufficient funds shall not be held to be a circumstance beyond the Undertakers' control.

Undertakers
may contract
with local
authority
and others
for supply
in bulk.

33. The Undertakers may enter into and carry into effect contracts with any local authority company or persons authorised to supply gas under Parliamentary powers in any district adjacent to the limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or interfere with any street beyond the limits of supply.

Power to
erect cottages
for officers
and servants.

34. The Undertakers may on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Undertakers for the purposes of their undertaking.

8 Vict. c. 16.
s. 140 incor-
porated.

35. Section 140 (Proof of debts in bankruptcy) of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Costs of
Order.

36. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULES.

A.D. 1912.

SCHEDULE A.

*Welwyn
Knebworth
and District.*

GAS LANDS.

First A piece of land (site of the existing gasworks) situate in the parish of Welwyn in the county of Hertford belonging or reputed to belong to Rosa Georgina Neall containing 2 roods and 25 perches or thereabouts bounded on the north by messuages and land belonging or reputed to belong to Rosa Georgina Neall on the east by the road leading from Welwyn to Welwyn Railway Station on the south by land belonging or reputed to belong to Rosa Georgina Neall and on the west partly by the main road leading from Welwyn to Hatfield and partly by messuages and land belonging or reputed to belong to Rosa Georgina Neall.

Secondly A piece of land situate in the parish of Welwyn in the county of Hertford belonging or reputed to belong to Rosa Georgina Neall containing one acre or thereabouts near and to the north-west of Welwyn Railway Station being part of the field numbered 266 on the 1/2500 Ordnance map of the said parish 1898 2nd edition sheet XXVIII 8.

SCHEDULE B.

PROVISIONS AFTER ORDER MADE PRESCRIBING STANDARD PRICE WITH
SLIDING SCALE AS TO PROFITS.

The foregoing Order shall after the making by the Board of Trade of an Order in pursuance of the provisions in that behalf contained in the foregoing Order prescribing a standard price for gas supplied by the Undertakers with sliding scale as to profits and as from the specified date be read and construed subject to the modifications following:—

- (i) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

[Ch. cliii.] *Gas Orders Confirmation (No. 2)* [2 & 3 GEO. 5.]
Act, 1912.

A.D. 1912.

*Welwyn
Knebworth
and District.*

Price of gas
with sliding
scale as to
dividend.

as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund.

- (ii) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary capital of the Undertakers as follows:—

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the standard price has been reduced be increased above the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

- (iii) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers 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 Undertakers including premiums to a fund to be called "the special purposes fund."

A.D. 1912.

*Welwyn
Knebworth
and District.*

Power to
create a
special pur-
poses fund.

The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

(A) Expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or

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

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 Undertakers including premiums.

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

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.

- (iv) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year:

Application
of excess of
profits over
authorised
rates of
dividend.

Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

- (v) When in any year the dividends on the ordinary share capital or stock of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the

Power to
create a
reserve fund
and applica-
tion thereof.

[Ch. cliii.] *Gas Orders Confirmation (No. 2) [2 & 3 GEO. 5.] Act, 1912.*

A.D. 1912.

*Welwyn
Knebworth
and District.*

amount of the divisible profits of the Undertakers applicable to the payment of such excess of dividends the Undertakers may in such year set apart such sum as they think fit by way of a reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

Saving of existing contracts.

(vi) Nothing in this schedule contained shall alter vary or affect any contract or agreement duly made or any liability incurred or notice given before the specified date with respect to the gasworks of or the supply of gas by the Undertakers.

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