

**CHAPTER liv.**

An Act to provide for amalgamation of the undertakings of the Brodsworth and District Gas Company the South Elmsall and District Gas Company and the Royston (Yorks) and District Gas Company Limited to incorporate and confer powers on the Royston and Brodsworth Gas Company and vest in that company the amalgamated undertakings and for other purposes.

A.D. 1931.

[8th July 1931.]

WHEREAS the several companies hereinafter mentioned are possessed of gas undertakings and are supplying gas within the districts parishes townships and places hereinafter mentioned :

And whereas by the Brodsworth and District Gas Act 1912 the Brodsworth and District Gas Company (hereinafter referred to as "the Brodsworth Company") were re-incorporated and established for the purpose of manufacturing storing and supplying gas within the urban district of Adwick-le-Street and the parishes and townships of Brodsworth-cum-Pigburn and Scausby Owston Thorpe-in-Balne Skellow Burghwallis Skelbrooke Marr Hampole Askern Norton Campsall Sutton-near-Doncaster Moss Fenwick Little Smeaton and Kirk Smeaton all in the west riding of the county of York with an authorised capital of forty-two thousand pounds consisting of twenty-one thousand pounds original capital fully paid up entitled to a standard rate of dividend of ten pounds

A.D. 1931. — in respect of every one hundred pounds and twenty-one thousand pounds additional capital by the creation and issue at their option of new ordinary shares or new preference shares or stock entitled to a standard rate of dividend of seven pounds in respect of every one hundred pounds issued as ordinary capital and at the rate of dividend of six pounds in respect of every one hundred pounds actually paid up of such capital issued as preference capital but the amount of such preference shares or stock was not to exceed ten thousand pounds :

And whereas the Brodsworth Company have created and issued ten thousand and nine hundred pounds of such additional capital as ordinary capital and nine thousand and nine hundred pounds of such additional capital as preference capital seven thousand four hundred pounds of such last mentioned capital being entitled to an additional rate of dividend of one per centum in pursuance of the consent of the Board of Trade given under the Public Utility Companies (Capital Issues) Act 1920 :

And whereas the Brodsworth Company are empowered to borrow on mortgage of their undertaking one-half of the amount of the said paid up share capital of the said Company and they have borrowed the sum of thirteen thousand five hundred and ninety-one pounds :

And whereas by the South Elmsall and District Gas Act 1923 the South Elmsall and District Gas Company (hereinafter referred to as the "South Elmsall Company") were incorporated and established for the purpose of manufacturing and supplying gas within the parishes and townships of South Elmsall North Elmsall South Kirkby Badsworth Hamphall Stubbs Thorpe Audlin Upton Bilham Hooton Pagnall Stotfold Barmbrough and Hickleton and part of the parish of Clayton-with-Frickley all in the west riding of the county of York with an authorised capital of fifty thousand pounds consisting of (a) thirty thousand pounds divided into six thousand shares of five pounds each fully paid up original capital entitled to maximum rates of dividend of ten pounds per centum in respect of seven thousand five hundred and forty pounds part thereof and eight pounds per centum in respect of twenty-two thousand four hundred and sixty pounds the remainder thereof and (b) twenty thousand pounds additional capital entitled to a rate of

A.D. 1931. — companies dissolved and the amalgamated undertaking vested in a company to be incorporated for the purpose of carrying on the said undertaking and of supplying gas within the areas before referred to and in certain other areas adjacent thereto or in the neighbourhood thereof :

And whereas it is expedient that a company should be established under statutory authority for the purposes aforesaid and that the persons hereinafter referred to with others should accordingly be incorporated into a company (hereinafter referred to as "the Company") and be empowered to supply gas within the limits defined by this Act and to exercise the other powers conferred by this Act :

And whereas under or by virtue of the Barnsley Gas Act 1867 the Barnsley Gas Company were authorised to supply gas in among other places the parishes or townships of Barugh Darton Royston Carlton and Notton but have not within the whole of such parishes or townships exercised their powers and gas is now and has for some years past been supplied to consumers within such parishes and townships by the Royston Company and it is expedient that the powers of the Barnsley Gas Company to supply gas within part of the said parish or township of Barugh and within the other parishes or townships hereinbefore referred to should be repealed and that the said part of the parish of Barugh and the said other parishes or townships should be included within the limits of supply of the Company :

And whereas it is expedient that the Company should be empowered to establish subject to the provisions of this Act a profit sharing scheme in which any of their employees may participate and become members and to establish a fund for the purpose of granting pensions and other allowances payments and benefits to their employees and to the widows families and dependants of such employees and that such provisions should be made with reference thereto as are hereinafter in this Act contained :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

dividend of eight pounds in respect of every one hundred pounds actually paid up of such capital issued as ordinary capital and at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital issued as preference capital : A.D. 1931.

And whereas the South Elmsall Company have created and issued ten thousand pounds of such additional capital as preference capital but have not issued any part of the additional capital as ordinary capital :

And whereas the South Elmsall Company are empowered to borrow on mortgage of their undertaking one-half of the amount of the paid up share capital of the said company but they have not exercised such borrowing powers :

And whereas the Royston (Yorks) and District Gas Company Limited (hereinafter referred to as "the Royston Company") were in the year one thousand nine hundred and four incorporated under the Companies Acts 1862 to 1900 for the purpose of manufacturing selling and supplying gas in the parishes of Royston and Felkirk and elsewhere in any other parishes or towns in the county of York and are now supplying gas within the urban districts of Royston and Darton and the townships and parishes of Havercroft South Hiendley and Carlton but have no statutory powers for or in connection with such supply :

And whereas the nominal capital of the Royston Company is fifty thousand pounds and they have created and issued capital to that amount divided into fifty thousand ordinary shares and have borrowed on mortgage debentures the sum of two thousand pounds :

And whereas the areas within which the Brodsworth Company and the South Elmsall Company are supplying gas are contiguous and the area within which the Royston Company are supplying gas is not far distant from the said contiguous areas being separated therefrom by areas not within the limits of supply of any authorised gas undertakers :

And whereas it would be to the public and local advantage and in the interest of the consumers of gas throughout the said areas that the undertakings of the said companies should be amalgamated the several

Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1931.

PART I.

PRELIMINARY.

1. This Act may be cited as the Royston and Brodsworth Gas Act 1931. Short title.

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

Part I.—Preliminary.

Part II.—Amalgamation of undertakings and incorporation of Company.

Part III.—Capital &c.

Part IV.—Meetings directors &c.

Part V.—Gasworks and lands.

Part VI.—Supply.

Part VII.—Heat unit basis for gas supply.

Part VIII.—Provisions as to price of gas and profits.

Part IX.—Reserve and other funds.

Part X.—Profit sharing &c.

Part XI.—Miscellaneous.

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

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement);

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

The Gasworks Clauses Act 1871 except sections 8 and 35 thereof :

A.D. 1931.
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Provided that section 13 of the said Gasworks Clauses Act 1847 shall be read as if the words “or any premises” were inserted therein 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 to all consumers of gas supplied in like circumstances and for the same purposes” were added at the end of that section.

Interpreta-
tion.

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

“The Brodsworth Company” means the Brodsworth and District Gas Company;

“The South Elmsall Company” means the South Elmsall and District Gas Company;

“The Royston Company” means the Royston (Yorks) and District Gas Company Limited;

“The three companies” means and includes the Brodsworth Company the South Elmsall Company and the Royston Company or any of them as the case may be;

“The Company” means the Royston and Brodsworth Gas Company incorporated by this Act;

“The appointed day” means the first day of January one thousand nine hundred and thirty-two;

“The undertakings of the three companies” means subject to the provisions of this Act the business goodwill and undertakings of the three companies subject to all duties obligations liabilities incumbrances contracts and engagements whatsoever in any way affecting the three companies or their undertakings or any part or parts thereof and subsisting immediately before the appointed day and the said expression includes (inter alia) all rights of making distributing and supplying gas and all other the rights easements powers authorities and privileges whatsoever of the three companies and all property assets and effects whatsoever and wheresoever and whether real or personal including cash balances reserve

insurance and other funds investments and all other interests and rights into and out of the property whether real or personal and obligations and things in action of or belonging to the three companies upon or immediately before the appointed day and all books accounts deeds writings and documents relating thereto; A.D. 1931.
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“The limits of supply” means the limits within which the Company are for the time being authorised to supply gas and which for the purposes of this Act are defined in the Third Schedule to this Act;

“The undertaking” means the undertaking of the Company as from time to time authorised;

“Therm” means one hundred thousand British thermal units;

“The declared calorific value” means the calorific value of the gas which the Company are for the time being bound to supply under this Act or under any declaration in force under the provisions of this Act;

“The Act of 1920” means the Gas Regulation Act 1920;

“The Act of 1929” means the Gas Undertakings Act 1929;

“The gas referees” means the gas referees appointed by the Board of Trade under the Act of 1920;

“Directors” means directors of the Company;

“Employee” means any workman servant or officer of the Company other than a director.

PART II.

AMALGAMATION OF UNDERTAKINGS AND INCORPORATION OF COMPANY.

5. On and from the appointed day the undertakings of the three companies are hereby amalgamated and the undertakings so amalgamated shall constitute one undertaking. Amalgamation of undertakings.

6. On and from the appointed day the Brodsworth Company the South Elmsall Company and the Royston Company respectively shall be and are hereby dissolved and Dissolution of the three companies and

A.D. 1931.
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incorporation of
Company.

and the several persons who immediately before the appointed day were members of or the registered holders of shares in the three companies and all other persons who have subscribed to or shall become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and shall be and are hereby incorporated by the name of "Royston and Brodsworth Gas Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to take hold and dispose of lands and other property for the purposes of this Act and of the undertaking.

General
purposes of
Company.

7. The Company shall be established for the purposes of carrying on the undertaking and of manufacturing purchasing storing and supplying gas for lighting heating cooking motive power and other purposes and may produce purchase store sell dispose of and deal in gas coke patent fuel tar pitch asphaltum ammoniacal liquor sulphate of ammonia and all other products refuse or residuum arising remaining or resulting from or produced by the manufacture of gas or the materials used therein and may purchase and store coal oil and other materials employed in the manufacture of gas and generally may carry on any business usually carried on by a gas company or which is or may become incidental thereto and may carry the powers of this Act into execution.

Under-
takings of
the three
companies
vested in
Company.

8. Subject to the provisions of this Act the undertakings of the three companies as amalgamated by this Act shall on and from the appointed day be by virtue of this Act transferred to and vested in the Company to the same extent and for the same estate and interest as the same were previously to the appointed day vested in the three companies or any trustee on their behalf and may according to the provisions of this Act be held and enjoyed sued for and recovered maintained altered discontinued removed and dealt with by the Company as they think fit.

Repeal of
Acts and
Order and
avoidance of
memoran-
dum and

9.—(1) Subject to the provisions of this Act as from the appointed day the provisions of the Acts and Order specified in the First Schedule to this Act are hereby repealed and the memorandum and articles of association of the Royston Company shall as to any prospective

operation be wholly void and the three companies and the members and shareholders thereof shall be exempted from all the provisions restrictions and requirements of the said Acts and Order or of any Act which applied to the three companies and the members and shareholders thereof as such. A.D. 1931.
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articles of association of the three companies.

(2) Nothing in this Act contained shall affect the previous operation of the said Acts or Order or the said memorandum and articles or anything done or suffered or any right obligation or liability acquired accrued or incurred thereunder and with respect to all such rights obligations and liabilities the Company and the proprietors thereof and the property of the Company shall to all intents and purposes represent the three companies and the members and shareholders thereof as such and the property or properties of the three companies.

10. All purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made before the appointed day by to or with the three companies or any trustee or person acting on behalf of the three companies or by to or with any person to whose rights and liabilities they have succeeded and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if instead of the three companies or the trustee or person acting on behalf of the three companies the Company had been a party thereto. Contracts prior to appointed day to be binding.

11. Nothing in this Act contained shall release discharge or suspend any action or other proceeding which was pending by or against the three companies or any member or shareholder thereof in relation to the affairs of the three companies or to which the three companies or any member or shareholder thereof in relation to such affairs were parties immediately before the appointed day and any such action or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the three companies or any member or shareholder thereof if this Act had not been passed the Company and the Actions &c. not to abate.

A.D. 1931. — proprietors thereof being in reference to the matters aforesaid in all respects substituted for the three companies and their members or shareholders respectively.

Indemnity. **12.** Every person who (being authorised so to do) before the appointed day entered into any bond covenant contract or engagement on behalf of the three companies shall be indemnified out of the funds and property of the Company against all liability (including costs charges and expenses) which he may sustain or incur or be put to by reason of his having entered into such bond covenant contract or engagement.

Company to satisfy liabilities of the three companies. **13.** Subject to the provisions of this Act from and after the appointed day the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the three companies immediately before the appointed day were subject and shall indemnify the members shareholders directors officers and servants of the three companies and their respective representatives from all such obligations and liabilities and from all expenses and costs in connection therewith.

Recovery of gas rents &c. **14.** All gas rents and sums of money which immediately before the appointed day were due or accruing to the three companies shall be payable to and may be collected and recovered by the Company in like manner as if they had become payable for the like matters supplied or done under this Act.

As to payment of debts owing before appointed day. **15.** All persons who immediately before the appointed day owed any money to the three companies or to any person on their behalf shall pay the same with all interest (if any) due or accruing upon the same to the Company and all debts and moneys which immediately before the appointed day were due or recoverable from the three companies or for the payment of which the three companies were or but for this Act would be liable shall be paid with all interest (if any) due or accruing upon the same by or be recoverable from the Company.

Certificates &c. to remain in force. **16.** Notwithstanding the repeal of the Acts and Orders or the avoidance of the memorandum and articles of association of any of the three companies all certificates for shares in the three companies (until cancelled under the provisions of this Act) and all sales transfers and dispositions of any such shares made or executed but

not registered before the appointed day shall be valid and have due effect given to them as if they were respectively (a) certificates for stock of the Company of the designations and to the amounts allocated by this Act to the holders of the shares referred to in such certificates or (b) sales transfers or dispositions of stock of the Company of the designations and to the amounts allocated by this Act to the holders of shares in the three companies of the designations and to the amounts of the shares sold transferred or disposed of together with any sum in cash payable under the provisions of this Act to the holders of such shares. A.D. 1931.

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

18. All officers and persons who at the appointed day have in their possession or under their control any books documents papers moneys or effects forming part of the undertakings of the three companies shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers moneys and effects of the Company. Officers of the three companies to be accountable for books &c.

19. The books respectively kept by the three companies for entering the names and designations of the members and shareholders thereof with the numbers of their shares and the proper distinguishing number of each share and the register of mortgages of the three companies shall until a new register of stockholders and a new register of mortgages shall respectively be provided by the Company continue to be kept for the same purpose by the Company and be taken and considered as the register of shareholders or register of mortgages (as the case may be) required to be kept by the Companies Clauses Consolidation Act 1845 as amended (in its application to the Company) by this Act. Present registers of members to be continued.

20. All officers and servants of the three companies (other than the auditors and secretaries thereof) who shall be in the employ of the three companies at the appointed Officers to continue till removed.

A.D. 1931. — day shall as from the appointed day hold under the Company the same respective offices and employments on the same terms and conditions as they held under the three companies on that day and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal and to the like rules restrictions and regulations in all respects whatsoever as if they had been appointed under this Act.

The three companies to carry on undertakings until appointed day.

21. As from the passing of this Act and until the appointed day the three companies shall to the best of their ability and with due diligence maintain and carry on their undertakings in the same manner as such undertakings have hitherto been maintained and carried on and for that purpose may exercise all or any of the rights powers privileges and authorities whether statutory or otherwise to which they may be entitled at the date of the passing of this Act and shall discharge all the duties obligations and liabilities to which they may be subject at the said date.

PART III.

CAPITAL &C.

Capital.

22. The capital of the Company shall be two hundred thousand pounds of which capital one hundred and ninety-four thousand six hundred and seven pounds eighteen shillings and fourpence is in this Act called "the original capital" and shall be substituted for the existing share and preference capital of the three companies and five thousand three hundred and ninety-two pounds one shilling and eightpence is in this Act called "the additional capital" and may be raised in manner in this Act mentioned.

Creation of original capital.

23. On the appointed day there shall be deemed to have been created by virtue of this Act and without any further or other authority—

- (a) one hundred and seventy-one thousand eight hundred and seven pounds eighteen shillings and fourpence of ordinary stock; and
- (b) twenty-two thousand eight hundred pounds of preference stock (in this Act called "six per centum preference stock") entitled to a preferential dividend of six per centum per annum;

and the one hundred and seventy-one thousand eight hundred and seven pounds eighteen shillings and fourpence of ordinary stock and the six per centum preference stock shall constitute the original capital of the Company. A.D. 1931.
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24.—(1) Forthwith after the appointed day the one hundred and seventy-one thousand eight hundred and seven pounds eighteen shillings and fourpence ordinary stock and the twenty-two thousand eight hundred pounds six per centum preference stock created by virtue of this Act shall subject to the provisions of the section of this Act of which the marginal note is “As to fractional parts of one pound” be divided among and vested in the several persons who immediately before the appointed day were registered as holders of the ordinary and preference shares of the three companies in the proportions respectively held by them as follows :— Allocation of original capital.

As to the Brodsworth Company—

To each holder of original ordinary shares the sum of one pound one shilling and eightpence of ordinary stock in respect of each such one pound share held by him ;

To each holder of additional ordinary shares the sum of fifteen shillings and twopence of ordinary stock in respect of each such one pound share held by him ;

To each holder of six per centum preference shares the sum of one pound of six per centum preference stock in respect of each such one pound share held by him ;

To each holder of seven per centum preference shares the sum of one pound three shillings and fourpence of six per centum preference stock in respect of each such one pound share held by him.

As to the South Elmsall Company—

To each holder of original ten per centum ordinary shares the sum of six pounds fifteen shillings and fivepence of ordinary stock in respect of each such five pounds share held by him ;

To each holder of original eight per centum ordinary shares the sum of five pounds eight

A.D. 1931.
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shillings and fourpence of ordinary stock in respect of each such five pounds share held by him;

To each holder of additional seven per centum preference shares the sum of five pounds sixteen shillings and eightpence of six per centum preference stock in respect of each such five pounds share held by him.

As to the Royston Company—

To each holder of ordinary shares the sum of two pounds two shillings and sixpence of ordinary stock in respect of each such one pound share held by him.

(2) All stock so created and vested shall be deemed to be fully paid up.

As to
fractional
parts of one
pound.

25. In every case where under the foregoing provisions of this Act a holder of any ordinary or preference shares of the three companies would be entitled to be registered as the holder of any amount of ordinary and preference stock of the Company including any fractional part of one pound of any such stock the Company in lieu of registering such holder and issuing to him a certificate as holder of an amount of stock including such fractional part shall pay to such holder such a sum in cash as shall be equal to the par value of such fractional part and shall register such holder and issue to him a certificate as holder of the amount of stock of the Company to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so to be paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part. The directors may either cancel all or any of the stock in respect of which such payment has been made or issue the same at par to any willing purchaser thereof in amounts of one pound or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

Trustees to
accept sub-
stituted
stock.

26. Trustees executors or administrators and all other holders in any representative or fiduciary capacity of any share or shares in the three companies are

hereby expressly authorised and required to accept any stock and sums in cash vested in or paid to them pursuant to the provisions of this Act and to hold dispose of or otherwise deal with the same as they might have held disposed of or otherwise dealt with the share or shares in the three companies for which such stock and sums in cash (if any) are substituted and are hereby indemnified in respect of all acts bona fide done by them in pursuance of the provisions of this Act. A.D. 1931.

27.—(1) The mortgages and mortgage debentures of the Brodsworth Company and the Royston Company respectively outstanding at the appointed day shall as from that day become and be mortgages and mortgage debentures of the Company ranking equally inter se and charged upon the undertaking in all respects as if those mortgages and mortgage debentures had been issued by the Company on the dates on which they were respectively issued by the Brodsworth Company or the Royston Company as the case may be and as if the Company had been named therein instead of the Brodsworth Company or the Royston Company as the case may be. As to
outstanding
mortgages
&c.

(2) The Company may at any time by agreement with the holder of any such mortgages and mortgage debentures pay off any sum secured thereby and thereupon such mortgages and mortgage debentures and all claims in respect thereof shall be cancelled and extinguished.

(3) If and when the Company redeem or pay off the said mortgages and mortgage debentures or any of them they may re-borrow on mortgage the amount of the mortgages and mortgage debentures so redeemed or paid off or (if and to the extent to which they do not so re-borrow) the said amount shall be deemed to be an amount which (in addition to any other borrowing powers for the time being exerciseable by them) they may raise by the creation and issue of debenture stock and such debenture stock shall be deemed to have been created by virtue of this Act and may be issued by the directors at such times to such persons and upon and subject to such terms and conditions as they may think fit.

A.D. 1931.

Stock to be held on same trusts &c. as shares of the three companies.

28. The stock referred to in the section of this Act of which the marginal note is "Allocation of original capital" shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the appointed day affected the share or shares for which the same are respectively substituted and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any agreement deed or other instrument or any testamentary disposition made before the appointed day and affecting any such share or shares and every such agreement deed or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part of the stock substituted for such share or shares.

Exchange of certificates &c.

29. The Company shall call in and cancel the existing certificates of shares in the three companies and issue in lieu thereof certificates of the stock to which the holders of such shares are by this Act respectively entitled but no holder of any such share shall be entitled to any certificate of proprietorship under this Act until he shall have delivered up to the Company to be cancelled the existing certificate of proprietorship of the share or shares in the three companies issued to him before the appointed day or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof but if any holder of any such existing share neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of one year after notice in writing sent by post to the address of such holder appearing in the shareholders' address books of the three companies the Company may retain any dividend declared or made payable upon or in respect of the stock substituted under the provisions of this Act for such share or shares until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and an indemnity is given against any claim in respect of such lost or destroyed certificate or certificates to the satisfaction of the directors.

Power to raise additional capital.

30. The Company may from time to time raise the additional capital by the creation and issue at their

option of additional ordinary stock or preference stock or wholly or partially by one or other of those modes but no such stock shall vest in the person accepting the same until the full price of such stock including any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce (including any premium which may be obtained on the sale thereof and after allowing for any discount on such sale) the sum of five thousand three hundred and ninety-two pounds one shilling and eightpence. A.D. 1931.
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31.—(1) Except as by this Act otherwise provided all stock created and issued under the provisions of the section of this Act of which the marginal note is “Power to raise additional capital” shall be issued in accordance with the provisions of this section. Sale of stock
by auction
or tender.

(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 directors shall from time to time determine Provided as follows :—

- (a) Notice of the intended sale shall be given in writing to the clerk of the council of each urban and rural district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two successive weeks in one or more local newspapers circulating within the limits of supply;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal

A.D. 1931.

value than one hundred pounds and after the first bid a bid shall not be recognised unless it is in advance of the last preceding bid;

- (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 except that the offer by tender of any holder of ordinary or preference stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in like manner be given to the offer of any employee or consumer of gas supplied by the Company;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

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

32.—(1) Notwithstanding any other provision of this Act the Company may with the approval of the Board of Trade and subject to such conditions as the Board may think fit to impose offer for subscription by the public any additional stock created under the powers of this Act and upon any such offer pay a commission not exceeding two and one half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any such stock :

A.D. 1931.
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Power to offer additional stock for subscription and to pay commission.

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

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

33. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock of the Company forming part of the additional capital to which a preferential dividend shall be assigned.

Restrictions as to votes in respect of preference stock.

34. All ordinary and preference stock created by the Company under this Act shall be part of the general capital of the Company and save as is otherwise provided by this Act the holders thereof respectively shall be entitled to the like rights of voting (if any) and any other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and liabilities as the holders of other stock of the Company of the same class and description.

Additional ordinary and preference stock to be part of general capital.

35.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of the original capital any sum or sums not exceeding in the whole (inclusive of the amount of the mortgages and mortgage debentures referred to in the section of this Act of which the marginal note is "As to outstanding mortgages &c.") the sum of ninety-eight thousand pounds.

Power to borrow.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in

A.D. 1931. — respect of the additional capital any sum or sums not exceeding in the whole one-half of that capital which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the stock in respect of which it is proposed to borrow together with the premium (if any) realised or after allowing for the discount (if any) given on the sale thereof has been fully paid up.

Debenture
stock.

36. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of the mortgages and mortgage debentures referred to in the section of this Act of which the marginal note is "As to outstanding mortgages &c." and of all debenture stock which under the provisions of that section is to be deemed to have been created by virtue of this Act and of all debenture stock and mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall subject as is mentioned in the section of this Act of which the marginal note is "Priority of mortgages over other debts" have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of
mortgages
over other
debts.

37. All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act or secured by the mortgages and mortgage debentures referred to in the section of this Act of which the marginal note is "As to outstanding mortgages &c." shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge

granted by the three companies or to be granted by the Company 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 or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

A.D. 1931.
—

38.—(1) In this section unless the context otherwise requires—

Redeemable
preference
stock and
debenture
stock.

“ Stock ” means and includes preference stock and debenture stock ;

“ Issue ” includes re-issue ;

“ Redeemable stock ” means any stock issued under the powers of this section so as to be redeemable ;

“ Redeemed stock ” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the date of this Act :

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of the Company passed at a special meeting convened for the purpose.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit :

Provided that--

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class

A.D. 1931.

which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

- (b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be paid-up stock for the purpose of any enactment regulating the borrowing powers of the Company.

(4) When any redeemable stock has been redeemed the amount (exclusive of any sum obtained by way of premium) which was last raised by its issue shall cease to be taken into account in calculating the extent to which the powers of the Company of raising money by the creation and issue of stock or by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock have been or may be exercised but nothing contained in this subsection or done in pursuance thereof shall affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue :

Provided that the nominal amount of any stock issued solely in substitution for other stock shall be deemed to be the amount raised by such issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock except to the extent of any discount allowed on the issue or any premium payable on the redemption thereof. A.D. 1931.

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of the section of this Act whereof the marginal note is "Sale of stock by auction or tender."

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

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

41.—(1) Any stock or debenture stock of the Company may be issued and be held in amounts of one pound or any multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any such stock or debenture stock which would reduce the holding of stock or debenture stock of that class of the transferor below or make the holding of stock or debenture stock of that class of the transferee less than one pound or a multiple of one pound. Minimum amounts of holdings of stock and debenture stock.

(2) Notice of this enactment so far as applicable shall be stated in all certificates of ordinary stock preference stock or debenture stock of the Company as the case may be.

42. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Company not bound to regard trusts.

A.D. 1931. Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if the same were shares in the capital of the Company.

As to preference dividends of existing companies.

43. In the month of December one thousand nine hundred and thirty-one the directors of the Brodsworth Company and the South Elmsall Company respectively may declare and pay to the persons who at the date of such declaration as aforesaid held preference shares of the said companies or either of them dividends (less income tax) on such shares for the year or half-year as the case may be ending on the thirty-first day of December one thousand nine hundred and thirty-one at the respective rates at which (regard being had to the divisible profits of the respective companies) such dividends would in the opinion of such directors have been subsequently declared and paid in respect of such period by the respective companies if this Act had not been passed.

As to dividends on ordinary shares of the three companies.

44. In the month of December one thousand nine hundred and thirty-one the directors of the three companies may declare and pay for the year or half-year as the case may be ending on the thirty-first day of December one thousand nine hundred and thirty-one to the persons who at the date of such declaration as aforesaid held ordinary shares in the three companies such dividends (less income tax) on such shares at such rates as they may think fit regard being had to the divisible profits of the respective companies after payment of the preference dividends as provided for in the immediately preceding section of this Act Provided that any dividend so declared and paid as aforesaid shall not exceed such yearly authorised rate as could have been subsequently declared and paid in respect of such period by the respective companies if this Act had not been passed.

PART IV.

MEETINGS DIRECTORS &C.

Ordinary meetings.

45. The first ordinary meeting of the Company shall be held within six months after the appointed day and all subsequent ordinary meetings of the Company shall be held yearly in the month of March in every year at the

Company's principal office or elsewhere in the west riding of the county of York as the directors may appoint or in such other month or at such other place as shall be from time to time appointed for that purpose by resolution of the Company. A.D. 1931.

46. The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be five stockholders (of whom at least one shall be a director) present in person and holding in the aggregate not less than two thousand pounds of ordinary stock. Quorum of general meetings.

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

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

48. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney or in the case of an instrument deposited in the central office of the Supreme Court of Judicature an office copy thereof shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy. As to appointment of proxies.

49. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock to which voting rights are attached any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first Votes of joint holders.

A.D. 1931. — on the register in respect of the stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

As to
directors.

50.—(1) The number of directors shall be five but the Company may vary the number provided that the number be not at any time more than eight nor less than three.

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

(3) The quorum of a meeting of directors shall be three.

(4) The qualification of a director shall be the possession in his own right of ordinary stock of the Company to the nominal amount of not less than five hundred pounds Provided that a person who is not a holder of ordinary stock of the Company or of a sufficient amount of such stock to qualify him as a director may be elected and act as a director but that if at the expiration of a period of six months from the date of his election he does not possess in his own right ordinary stock of the Company to the amount prescribed by this subsection he shall upon and as from such expiration cease to be or act as a director and thereupon a vacancy amongst the directors shall be deemed to have arisen within the meaning of the section of this Act of which the marginal note is "Occasional vacancy among directors."

First and
subsequent
directors.

51. Fred Ellison Henry Ellison George William Mitchell Thomas Walter Adam and Arthur Cecil Frederick Assinder shall be the first directors of the Company and shall continue in office until the first ordinary meeting of the Company At that meeting the stockholders present in person or by proxy may either continue in office the directors appointed by this

Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being (if they continue qualified) eligible for election and at the ordinary meeting to be held every year after the first ordinary meeting the stockholders present in person or by proxy shall (subject to the power hereinbefore contained of varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead. A.D. 1931.

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

(2) No director shall be disqualified from acting by reason of the fact that he has entered into a contract with the Company for the supply and consumption of gas.

A.D. 1931.

Occasional
vacancy
among
directors.

53. If any vacancy arises amongst the directors by reason of the death resignation or disqualification of a director or from any other cause between the date of any annual meeting of the Company and the subsequent annual meeting the directors may elect some person being duly qualified to fill such vacancy and any person so elected as aforesaid shall only continue in office by virtue of such election so long as the director in whose place he may be so elected would have been entitled to continue in office if such vacancy had not occurred but any such person if and so long as he continues duly qualified may be elected or re-elected a director by the proprietors of the Company in general meeting.

Notice of
candidature
for office of
directors.

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

(2) For the purposes of this section the directors retiring from office at the first meeting of the Company pursuant to the section of this Act of which the marginal note is "First and subsequent directors" shall be deemed to have retired by rotation on the date of that meeting.

As to
appoint-
ment of
managing
director.

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

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

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

A.D. 1931.

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

56.—(1) The prescribed number of auditors shall be one but the number may be increased to two by a resolution of the Company at a general meeting of the Company or the Company may at any time and from time to time appoint any firm of accountants to be the auditors of the Company.

Auditors.

(2) The auditor or auditors or in the case of a firm being so appointed as auditors the members of such firm need not hold stock of the Company.

(3) If and so long as a firm appointed under the provisions of this section are the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

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

PART V.

GASWORKS AND LANDS.

57. Subject to the provisions of this Act the Company may upon the lands described in the Second Schedule to this Act or such parts thereof as may from time to time be in the possession of the Company maintain and continue the gasworks of the three companies and may upon those lands erect maintain alter extend improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up and convert the

Powers as to
construction
and main-
tenance of
gasworks
&c.

A.D. 1931. residual products arising directly or indirectly from the manufacture of gas Provided that the Company shall not use the lands situate in the parish or township of Askern the parish or township of Havercroft and the urban district of Darton respectively described in paragraphs (a) (2) and (c) (2) and (3) of the said Second Schedule except for the storage of gas and works in connection with the storage and supply of gas.

Purchase of lands by agreement.

58. The Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and hold any lands and hereditaments which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the Second Schedule to this Act and the Company shall not at any one time hold any greater quantity of land in the whole than ten acres.

Power to sell and lease lands.

59. The Company may sell or otherwise dispose of or may let on lease for such periods as they think fit any lands buildings or property for the time being belonging to them and which may not at the time be required for the purposes of the undertaking upon such terms and conditions as the Company or the directors think fit and notwithstanding anything contained in the Gasworks Clauses Act 1871 the provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to any such sale lease or disposal Provided that the provisions of this section shall apply only to lands which have been acquired by the Company by agreement.

Dwelling-houses for employees &c.

60. The Company may purchase or take on lease houses and cottages for any of their employees and offices and showrooms for the purposes of the undertaking and may erect fit up and maintain upon any lands for the time being belonging or leased to the Company any building to be wholly or partly used for the said purposes and may let any part of any such building which shall not for the time being be required for the said purposes.

Recreation ground for employees.

61. The directors may provide maintain and equip grounds for games sports or recreation for the use of

employees of the Company and others and may acquire or take on lease for that purpose any lands in addition to any other lands which they are or may be authorised to acquire by agreement or otherwise. The directors may on such occasions as they may think fit admit or sanction the admission of any persons to any grounds so provided either with or without payment for such admission. A.D. 1931.

PART VI.

SUPPLY.

62. The limits within which the Company may supply gas under this Act shall extend to and include the area described in the Third Schedule to this Act. Limits of supply.

63. The Company shall not supply gas within the urban district of Hemsworth and the parishes or townships of Brierley and Shafton unless and until they shall have acquired the undertaking of the Hemsworth Grimethorpe and District Gas Company Limited. Saving for existing Company supplying gas within limits of supply.

64.—(1) The Company may subject to the approval of the Board of Trade and to such conditions as the said Board may think fit purchase by agreement but not otherwise the undertaking (so far as the same is situate within the limits of supply) of the Hemsworth Grimethorpe and District Gas Company Limited (which company is in this section referred to as “the selling company”) for such price or consideration and upon such terms and conditions as may be agreed upon between the selling company and the Company and upon completion of the purchase the undertaking of the selling company shall be vested in and for all purposes form part of the undertaking of the Company. Power to purchase undertaking of Hemsworth Grimethorpe and District Gas Company Limited.

(2) Before applying to the Board of Trade for their approval under subsection (1) of this section the Company shall publish notice of their intended application in one or more newspapers circulating within the urban district of Hemsworth and shall deliver to the urban district council of Hemsworth and the county council of the west riding of York—

- (a) a copy of such notice;
- (b) a copy of any agreement or arrangement with the selling company into which they may have entered; and

A.D. 1931.
—

(c) a statement of the modifications and amendments of the provisions of this Act which it is proposed that the Board of Trade should make to take effect upon the purchase of the undertaking of the selling company.

(3) The Board of Trade shall consider any representations in regard to the proposals of the Company which may be duly made and before giving their approval under subsection (1) of this section the Board of Trade may direct an inquiry to be held.

(4) Upon giving their approval under subsection (1) of this section the Board of Trade may by order make such modifications and amendments in the provisions of Parts VI (Supply) and VIII (Provisions as to price of gas and profits) of this Act as in the opinion of the Board may be necessary or expedient in their application to the supply of gas within the urban district of Hemsworth and in particular may make provision with regard to the price of gas to be supplied by the Company within that urban district.

(5) The Company may apply any capital moneys in their hands or moneys which they are authorised to raise by way of additional capital or by borrowing under or by virtue of this Act in or towards the payment of the price or consideration for the purchase of the undertaking of the selling company and the purchase price or consideration may if the selling company and the Company so agree be discharged wholly or partly by the allocation to the shareholders of the selling company of any stock in the capital of the Company which the Company may be authorised to create and issue.

(6) Any stock so allocated to the shareholders of the selling company shall be deemed to be fully paid up and shall not be subject to the provisions of the section of this Act of which the marginal note is "Sale of stock by auction or tender."

For protec-
tion of
Hemsworth
Grimethorpe

65. For the protection of the Hemsworth Grimethorpe and District Gas Company Limited (in this section called "the Hemsworth Company") the following provisions shall unless otherwise agreed in writing between

the Company and the Hemsworth Company apply and have effect (that is to say) :—

A.D. 1931.
—
and District
Gas
Company
Limited.

(1) (a) Notwithstanding anything contained in this Act or in the Gas and Water Works Facilities Act 1870 the Hemsworth Company shall be at liberty at any time before the sale of their undertaking under the provisions of the section of this Act of which the marginal note is " Power to purchase undertaking of Hemsworth Grime-thorpe and District Gas Company Limited " to promote a Bill in Parliament or to apply to the Board of Trade for a Special Order under the Gas Undertakings Acts 1920 and 1929 to authorise them to supply gas in an area of supply comprising the whole or any part of the urban district of Hemsworth and the parishes or townships of Brierley and Shafton as the said urban district and parishes or townships are constituted at the date of the passing of this Act and the Board of Trade may make any such Special Order as if this Act had not been passed ;

(b) The Company shall not oppose any such application except for the purpose of securing the insertion in any such Bill or Special Order of provisions for their protection :

(2) If any such Bill as aforesaid shall become law or any such Special Order shall be made all powers of the Company of supplying gas in the area in which the Hemsworth Company are thereby authorised to supply gas shall subject to the provisions of such Bill (if enacted) or Order cease and determine as from the date of the passing into law of the said Bill or of the making of the said Special Order :

(3) Except in case of emergency the Company shall give to the Hemsworth Company not less than twenty-eight days' notice before commencing to execute any work in any road in which any mains pipes or other apparatus or works (all of which are in this section referred to as " apparatus ") of the Hemsworth Company are laid or placed and shall at the same time deliver to the Hemsworth Company a plan and section of such work and if it appears that the same

A.D. 1931.

will interfere with any apparatus of the Hemsworth Company such work shall not be executed until the position of such work in the road has been agreed or failing agreement determined by arbitration as hereinafter mentioned :

- (4) The Company shall make good all damage done by them to any apparatus of the Hemsworth Company in the execution of any such work as aforesaid and shall make full compensation to the Hemsworth Company for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus caused by such execution :
- (5) If any difference shall arise between the Company and the Hemsworth Company under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice thereof in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

Purchase
of part of
undertaking
by Hems-
worth
Urban
District
Council.

66.—(1) If at any time before or after the date of the purchase by the Company of the undertaking of the Hemsworth Grimethorpe and District Gas Company Limited (in this section hereinafter referred to as "the selling company") the urban district council of Hemsworth (in this section referred to as "the council") apply for powers to supply gas within their district as constituted at the date of the passing of this Act and to purchase so much of the undertaking of the selling company as is situate within the said urban district the Company shall not oppose such application except as to details and for the purpose of securing protection in respect of any mains works and apparatus of the Company which may be laid after the passing of this Act.

(2) If the powers referred to in subsection (1) of this section are obtained by the council after the date of the purchase by the Company of the undertaking of the selling company and the council shall give one year's notice in writing to the Company of their desire to

A.D. 1931.

purchase such portion of the undertaking of the Company as is contained within the said urban district (except any mains pipes or other apparatus which shall be necessary for supplying gas to any other parts of the limits of supply) the Company shall thereupon sell and the council shall purchase as on the date of the expiration of such notice such portion of the undertaking except as aforesaid at such price representing the then value of the same as shall be agreed between the council and the Company or failing agreement as shall be determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

(3) The value of the said portion of the undertaking shall be deemed to be the fair value thereof at the time of purchase as a going concern together with compensation for any loss occasioned by severance but without any addition in respect of compulsory purchase.

(4) After the completion of the purchase hereinbefore mentioned all rights powers and obligations of the Company in relation to the supply of gas in the said district shall cease and determine.

(5) Notwithstanding anything hereinbefore contained the notice referred to in subsection (2) of this section shall not be given by the council otherwise than so as to expire at the expiration of fifteen years after the date of the purchase by the Company of the undertaking of the selling company or if not so given then at the expiration of any subsequent period of ten years.

67.—(1) If at any time after the expiration of eighteen years from the date of the passing of this Act the urban district council of Royston (in this section referred to as “the council”) with a view to exercising the rights and powers conferred upon them by the succeeding provisions of this section apply for power to supply gas within their district as constituted at the date of the passing of this Act (in this section referred to as “the Royston district”) and to purchase so much of the undertaking of the Company as is situate within such district the Company shall not oppose such application except as to the details thereof and so far as may be

Purchase
of part of
undertaking
by Royston
Urban
District
Council.

A.D. 1931.

necessary to protect their interests with respect to such purchase and the remaining part of the Company's undertaking.

(2) If the powers referred to in subsection (1) of this section are obtained by the council they may at any time within twelve months after the expiration of twenty-one years from the date of the passing of this Act and within twelve months after the expiration of every subsequent period of fifteen years by notice in writing require the Company to sell and thereupon the Company shall sell to them and the council shall purchase such part of the undertaking of the Company as is contained within the Royston district (except any mains pipes or other apparatus which shall be necessary for supplying gas to any other parts of the limits of supply) upon the terms of payment by the council to the Company of a sum equal to the fair value as a going concern of that part of the undertaking together with compensation for any loss occasioned by severance but without any addition in respect of compulsory purchase.

(3) The amount payable on any purchase under this section shall in default of agreement be determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

(4) After the completion of the purchase hereinbefore mentioned all rights powers and obligations of the Company in relation to the supply of gas in the Royston district shall cease and determine.

Purchase
of part of
undertaking
by Cudworth
Urban
District
Council.

68.—(1) If at any time after the expiration of seven and a half years from the date of the passing of this Act the urban district council of Cudworth (in this section referred to as "the council") shall give not less than six months' notice in writing to the Company of their desire to purchase such portion of the mains pipes meters and apparatus of the Company as is contained within the portion of the urban district of Cudworth described in the Third Schedule to this Act (in this section referred to as "the Cudworth area") they shall thereupon sell and the council shall purchase the said mains pipes meters and

apparatus at such price representing the then value of the same as shall be agreed between the council and the Company or failing agreement as shall be determined by a single arbitrator to be appointed on the application of either party after notice in writing to the other party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference. A.D. 1931.

(2) The value of the said mains pipes meters and apparatus shall be deemed to be the fair value thereof at the time of purchase due regard being had to the nature and then condition of such mains pipes meters and apparatus and to the state of repair thereof but without any addition in respect of compulsory purchase severance or goodwill.

(3) In addition to the price payable by the council for the said mains pipes meters and apparatus under subsection (2) of this section the council shall at the same time also pay to the Company in respect of any mains in the remainder of the limits of supply which may necessarily have been constructed of larger dimensions in order to permit of their affording an adequate supply of gas to premises in the Cudworth area such a sum as will fairly represent the unexpired value (calculated in accordance with subsection (2) of this section) of so much of the said mains as will be surplus to the future requirements of the Company by reason of the discontinuance of the supply to the Cudworth area such sum (failing agreement) to be determined by the arbitrator aforesaid Provided that no sum shall be payable by the council to the Company under this subsection if at the date of the notice given by the council under subsection (1) of this section the quantity of gas being supplied by the Company for use in the Cudworth area is substantially less than that supplied by the Royston Company in the year nineteen hundred and thirty.

(4) After the completion of the purchase hereinbefore mentioned all rights powers and obligations of the Company in relation to the supply of gas in the Cudworth area shall cease and determine and thereupon the Company (except with the previous consent in writing of the council) shall not exercise the powers of the section of

A.D. 1931. — this Act of which the marginal note is “ Power to break up streets outside limits of supply ” in relation to any street in the Cudworth area.

Power to lay pipes in private streets.

69. The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act. The local authority of the district within which any street not repairable by the inhabitants at large is situate or where such local authority is a rural district council the county council of the administrative county in which such district is situate shall be deemed in addition to any other persons to be persons having the control or management of such street for the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes :

Provided that nothing in this section shall apply to any street or road belonging to and forming the approach to any station or depot of any railway company or railway committee except with the consent of such railway company or railway committee respectively which consent shall not be unreasonably withheld nor shall the Company in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road. Any question whether or not such consent has been unreasonably withheld shall be settled by arbitration in manner provided by the Arbitration Act 1889.

As to construction and placing of pipes &c.

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

(1) The Company may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having

regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :

- (2) (a) The Company shall publish once in the London Gazette and once in each of two newspapers circulating within the limits of supply a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Company shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval ;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the Company and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy :

- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Company accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :

A.D. 1931.
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- (4) The Company shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Company and the pipe or fittings shall not be covered over until after the expiration of forty-eight hours from the service of such notice on the Company or until the pipe or fittings as laid or placed has or have been inspected and approved by the Company whichever shall first happen :
- (6) Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings are not according to the appropriate specification of the Company they may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Company's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Company the like notice and the Company shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this

section have been complied with Provided that A.D. 1931.
in the case of any building in connection with
which there is provided outside the building
accommodation reasonably approved by the
Company for the meter or a separate meter-
house such meter may be placed in such accom-
modation or meter-house instead of within the
outside wall of the building :

(8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Company and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

(9) For the purposes of this section the expression “ fittings ” includes only the sockets bends tees and connections of a similar character used in placing or laying pipes.

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

Power to lay pipes for ancillary purposes.

Provided that no such main pipe or culvert shall be laid down in any county road without the consent in writing of the county council of the administrative county in which such county road is situate having been first obtained.

72. The Company may purchase and may supply sell and let stoves ranges engines dynamos and meters fittings &c.

A.D. 1931. — pipes and fittings and apparatus for the automatic supply of and payment for gas and apparatus for lighting heating cooking ventilating or motive power or for any other purpose for which gas may be utilised and may fix remove or alter the same or any other fittings or apparatus (all which things fittings and apparatus are hereinafter referred to as and included in the expression "fittings") and do any work or services in connection therewith and may supply gas for the aforesaid purposes or by the aforesaid means or any of them 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 between the Company and the persons to or for whom the fittings are sold let fixed repaired or removed.

Fittings not to be subject to distress &c. **73.**—(1) All gas engines stoves ranges pipes and other fittings let by the Company on hire or belonging to them but being upon premises of which the Company are not in possession shall whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate or to the soil under any such premises at all times continue to be the property of and be removable by the Company and shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

(2) For the purposes of this section gas engines stoves ranges pipes and other fittings disposed of by the Company on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Company.

(3) Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any gas engines stoves ranges pipes or other fittings are or shall be fixed.

74.—(1) The power to enter premises and remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into or being in occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire all or any of the engines stoves ranges pipes meters fittings or apparatus belonging to the Company.

A.D. 1931
—
Removal of
fittings
where
supply
discon-
tinued.

(2) Where any premises which the Company are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Company may after giving not less than forty-eight hours' notice to the owner thereof or (if he is unknown to the Company and cannot be ascertained after diligent inquiry) after fixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave the same secure.

(3) Any person having control of the premises which the Company are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable on summary conviction to a penalty not exceeding five pounds.

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

Anti-
fluctuators.

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

(3) The Company may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the

A.D. 1931. — Company and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing inspecting and replacing to be done at the expense of the Company if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

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

Provision of valve where high-pressure air or other gas is used.

76.—(1) Every consumer of gas supplied by the Company who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Company (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Company and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) Every consumer of gas supplied by the Company who uses a gas compressor for increasing the pressure of gas after it has passed through the meter shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other approved appliance for preventing the pressure in the meter being so reduced as to damage the meter or the pressure in the main being so reduced as to affect the supply of gas to other consumers. Gas in connection with which any such compressor is used is in this section referred to as "high-pressure gas."

(3) It shall not be lawful for any consumer at any time after the appointed day to commence to use high-pressure air or other gas or high-pressure gas unless and until he shall have given to the Company not less than fourteen days' previous notice in writing of his intention to do so.

A.D. 1931.

(4) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (6) of this section is using high-pressure air or other gas or high-pressure gas shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas or high-pressure gas unless before such expiration he shall have complied with the requirement.

(5) If any consumer shall fail to comply with any requirement or obligation under this section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

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

(a) (in the case of all persons who on the appointed day are consumers of gas supplied by the Company) on the demand notes for gas charges payable to the Company issued next after that date; and

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

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

(8) The Company shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing

A.D. 1931. inspecting and replacing to be done at the expense of the Company if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Period of error in defective meters.

77. In the event of any meter used by a consumer of gas being tested in manner provided by regulations made by the Board of Trade under the Act of 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and in case of a surcharge shall be recoverable in the like manner as gas charges are recoverable by the Company.

For prevention of improper use of gas.

78. If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any other person or if any person supplied with gas by the Company wilfully uses the same for a purpose other than the purpose for which the same is supplied the Company may if they think fit cease to supply gas to such person.

Stand-by supply.

79. Notwithstanding anything in this or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed with the Company to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. Provided that the minimum annual sum in the case of a stand-by supply of

gas for domestic purposes shall not exceed twenty shillings. A.D. 1931.

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

Refusal of supply to persons in debt for other premises.

81. At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

Consumer to give notice before removing.

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

Notice to discontinue supply of gas.

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

As to mode of cutting off supplies.

A.D. 1931.

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

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

Power to
recover cost
of cutting
off supplies.

84. In any case in which the Company lawfully cut off a supply of gas by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off (as the case may be) the reasonable expenses incurred by them in such cutting off in like manner as charges for gas are recoverable by the Company.

Expenses of
reconnecting
discontinued
supply.

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

Power to
enter
premises to
which a
supply of
gas is
laid on.

86. The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Company by section 21 of the Gasworks Clauses Act 1871 shall extend to all premises in which there is any service pipe connected with the gas mains of the Company except where the occupier of the premises shall have applied in writing to the Company for the disconnection of the service pipe from the mains of the Company :

Provided that nothing contained in this section shall apply to any fittings or works belonging to the London and North Eastern Railway Company or the London Midland and Scottish Railway Company (each of which companies is in this proviso referred to as

“ the railway company ”) and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house) of the railway company forming part of the railway premises of the railway company. A.D. 1931.

87.—(1) Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of supply for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Company notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use— Relief from obligation to supply.

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the appointed day; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

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

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

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or
- (ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

A.D. 1931.

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

(3) If any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding.

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

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

(5) Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section. A.D. 1931.

88. The Company's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters which are the property of the Company and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing and replacing to be done at the expense of the Company The expense of changing and testing meters which have been tested at the request of the consumer and found to be defective shall be borne by the Company but if the meter shall have been found not to be defective shall be borne by the consumer. Inspection and testing of meters.

89. When at the request and for the convenience of any consumer the reading of any meter fixed in any premises takes place at a time other than that of the usual periodical reading the Company may levy and recover such charges as they think fit not exceeding the sum of one shilling for each special reading. Charges for special reading of meters.

90.—(1) For the purpose of connecting up parts of the limits of supply the Company may subject to the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes place lay down construct maintain repair renew and replace mains pipes and apparatus in under across or along any street outside the limits of supply and open and break up any such street for that purpose. Power to break up streets outside limits of supply.

(2) The Company shall submit to the county council of the west riding of Yorkshire for their reasonable approval a map or plan showing the route proposed for the laying of any main in pursuance of this section and no such main shall be so laid until such route is agreed upon or (failing agreement) determined by arbitration as hereinafter mentioned.

(3) Any difference arising under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

91. For the protection of the county council of the west riding of Yorkshire (in this section referred to as "the county council") the following provisions shall For protection of West Riding County Council.

A.D. 1931. unless otherwise agreed in writing between the county council and the Company have effect (that is to say):—

- (1) All mains pipes or works to be laid in or along any county road shall so far as is reasonably practicable be constructed and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor reasonably direct or (if the surveyor so agrees) under the footpath. Provided that this subsection shall not apply to service pipes:
- (2) Nothing in this Act shall authorise the Company to interfere with the structural part of any bridge repairable by the county council without the consent in writing of the said surveyor. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (3) (i) All works to be constructed or laid in along or across or in any way affecting any county road or any such bridge as aforesaid or any approach thereto shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the said surveyor and (except in the case of emergency and of the laying of service pipes) in accordance with plans and sections to be submitted to and reasonably approved of by him in writing before the commencement of any such work and seven days' notice shall be given to the said surveyor of the intention to lay any service pipes in such road. Provided that if the said surveyor shall not within twenty-one days after the said plans and sections shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof;
(ii) The restoration of any road in pursuance of the provisions of section 10 of the Gasworks Clauses Act 1847 shall be carried out in accordance with a specification to be reasonably approved by the said surveyor regard being had to the character and formation of the road affected:

(4) The works shall be executed as not in any way to stop or unreasonably interfere with the traffic of any county road or any such bridge as aforesaid or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch : A.D. 1931.
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(5) (a) Notwithstanding anything in this Act contained it shall be lawful for the county council at any time or times to divert widen or improve any such county road and also to remove alter widen or renew any such bridge or the approaches thereto in alongside or near to which any mains pipes or works laid placed or constructed by the Company or vested in them by virtue of this Act are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such county road or any such bridge or approaches if this Act had not been passed and such mains pipes or works had not been constructed or laid in over alongside or near to such county road or bridge respectively without making any compensation to the Company for any expense or loss to which they may be put in consequence of such diversion widening improvement removal alteration or renewal ;

(b) If in order to avoid interruption to the supply of gas by the Company it is necessary to do so the Company may temporarily carry their mains pipes or works at the side of any such county road or bridge or approaches in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council Provided that before such diversion improvement removal alteration or renewal by the county council of any such county road or bridge as aforesaid shall be commenced the county council shall give one month's notice in writing to the Company of their intention to carry out such works and the county council shall afford the Company all reasonable facilities for temporarily carrying their mains pipes or apparatus at the

A.D. 1931.

side of such road or bridge or approaches so as not to interrupt the continuous supply of gas;

(c) Any alteration of the position of any mains pipes or works of the Company necessitated by—

(i) the widening improvement removal alteration or renewal of any such bridge or the approaches thereto; or

(ii) the diversion widening or improvement of any county road within the limits of the Brodsworth and District Gas Act 1912 or the South Elmsall and District Gas Act 1923;

shall be effected at the expense of the Company;

(d) The expenses incurred in carrying out any alteration of the Company's mains pipes or works which may reasonably be required in consequence of or which may be necessitated by the diversion widening or improvement of any county road other than a road referred to in paragraph (c) of this subsection shall be defrayed by the county council and the Company in the following proportions (namely):—

The county council shall provide at their own cost all unskilled labour required for the purpose of the work aforesaid and the Company shall provide at their own cost the skilled labour material and supervision necessary for carrying out such work;

(e) All alterations of mains pipes or works in pursuance of this subsection shall be executed at such time or times as the surveyor of the county council may reasonably deem appropriate and convenient under all the circumstances during the progress of any such diversion widening or improvement:

(6) Notwithstanding anything in this Act contained if any difference arise between the Company and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an arbitrator to be agreed upon or failing agreement to be appointed by the

President of the Institution of Civil Engineers A.D. 1931.
on the application of either of the parties in
difference and subject thereto in accordance
with the provisions of the Arbitration Act 1889.

92. The provisions of the section of this Act of which the marginal note is "For protection of West Riding County Council" shall so far as applicable apply and have effect for the protection of the urban district councils of Cudworth Hemsworth and Royston in relation to roads and bridges vested in or repairable at the cost of those councils as if—

For protec-
tion of local
authorities.

- (a) those councils had been named therein in lieu of the county council of the west riding of Yorkshire;
- (b) such roads and bridges had been referred to therein in lieu of county roads and bridges repairable by the said county council; and
- (c) the surveyors to the said councils had been referred to therein in lieu of the surveyor of the said county council.

93. The following provisions for the protection of the rural district council of Hemsworth (in this section referred to as "the council") shall have effect as regards all new works carried out by the Company under the powers of this Act and as far as applicable as regards the alteration improvement enlargement extension renewal or reconstruction of existing works unless otherwise agreed in writing between the Company and the council (that is to say) :—

For pro-
tection of
Hemsworth
Rural
District
Council.

- (1) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the opening and breaking up of sewers drains or tunnels shall be not less than seven clear days instead of three clear days :
- (2) The plan required by section 9 of the last mentioned Act shall be delivered to the council or their surveyor by the Company not less than (except for the laying connecting or repairing of consumers' service pipes as to which three clear days' notice shall be given and except in cases of accidental leakage or failure in which case notice shall be immediately given thereof)

A.D. 1931.

seven days before the Company commence to open or break up any sewer drain or tunnel or interfere with any other property of the council for the purpose of executing the works :

- (3) Section 10 of the Gasworks Clauses Act 1847 in its application to the Company shall be read and have effect as if six months had been mentioned therein in lieu of three months :
- (4) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any road within the district of the council other than a county road and all such works shall be proceeded with and completed with all possible dispatch :
- (5) If any difference arises at any time between the council and the Company touching this section or anything to be done or not to be done thereunder such difference shall be settled by the arbitration of an engineer to be agreed upon between the council and the Company and failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

For pro-
tection of
railway
companies.

94. The following provisions for the protection of the London and North Eastern Railway Company the London Midland and Scottish Railway Company and any committee of those companies (each of which is in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Company and the railway company apply and have effect (that is to say) :—

- (1) In laying and also (except in cases of emergency) in effecting renewals or repairs of any mains pipes culverts or other works (all of which are hereinafter referred to as "the authorised works") over upon across or under or in any way affecting any work or property of the railway company the Company shall execute the authorised works in accordance with plans

sections and specifications previously submitted to and reasonably approved by the engineer of the railway company. The authorised works shall be executed with all reasonable dispatch and under the direction and superintendence (if the same be given) and to the reasonable satisfaction of the said engineer. Provided that if the said engineer does not express his approval or disapproval of the said plans sections and specifications within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :

- (2) The Company shall with all reasonable dispatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company and the roads of or maintainable by the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works :
- (3) If the railway company so elect they may themselves execute and maintain the authorised works over or under any railway or works of the railway company or in any roads of or maintainable by the railway company other than the actual laying down and maintenance of mains and pipes and may recover from the Company the reasonable expenses incurred by the railway company in connection therewith :
- (4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Company or by reason of the failure of the Company to maintain the authorised works or from the bursting leakage or failure of the authorised works not being due to the acts or defaults of the railway company their servants or agents all such injury or damage shall forthwith be made good

A.D. 1931.
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by the Company or if the railway company so elect by the railway company at the expense of the Company and the Company shall indemnify the railway company from all claims in respect of any such injury damage or interruption as aforesaid which shall not have been caused by the acts or defaults of the railway company their servants or agents :

- (5) In the event of the Company failing to maintain the authorised works where they pass under over or in any way affect the railway or other property of the railway company in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency involving the risk of injury to the railway or property of the railway company the railway company may make good the same and do in and upon the lands of the Company or their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary during or by reason of the construction of the authorised works or in effecting repairs or renewals thereof to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Company shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Company shall bear and on demand pay to the railway company the reasonable expenses incurred by the railway company of and in connection with the employment by them during the construction repair or renewal of the authorised works over under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said

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

- (8) If at any time it is found necessary in order to enable the railway company to carry out any alterations widenings or extensions of their existing railway or works that the position of the authorised works shall be altered the Company shall on receiving not less than one month's notice in writing from the said engineer so to do at the Company's own cost and with all reasonable dispatch alter the position of the same in accordance with plans sections and specifications previously submitted by the Company to and reasonably approved by the railway company or their engineer so far as may be reasonably necessary to enable the railway company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :
- (9) Any additional expense which the railway company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works by reason of the existence of the works of the Company upon across over or under the same shall be paid by the Company :
- (10) Any difference arising between the Company and the railway company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be agreed upon by the railway company and the Company or failing agreement to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

A.D. 1931.

PART VII.

HEAT UNIT BASIS FOR GAS SUPPLY.

Measure of
therms
supplied.

95. For the purposes of this Act the number of therms supplied by the Company to any consumer shall be ascertained from time to time by multiplying the number of British thermal units comprised in the declared calorific value of the gas by the number of cubic feet thereof registered by that consumer's meter and dividing the resulting sum by one hundred thousand.

Calorific
value of gas.

96. Until such time as the Company shall become entitled as provided by this Act to supply gas of a different calorific value the calorific value of the gas supplied by the Company shall be four hundred and seventy-five British thermal units :

Provided that before supplying gas of the calorific value of four hundred and seventy-five British thermal units to consumers within that part of the limits of supply which was formerly within the limits of supply of the South Elmsall Company as defined by section 6 (Limits of Act) of the South Elmsall and District Gas Act 1923 the Company shall give not less than three months' previous notice to such consumers of their intention to supply gas of the said calorific value and thereupon the provisions of the section of this Act whereof the marginal note is " Adjustment of consumers' appliances " shall so far as may be necessary apply and have effect in respect of the appliances of the said consumers.

Declaration
of calorific
value.

97. If at any time after the appointed day the Company desire to supply gas of a different calorific value from that which they are then supplying the Company shall by advertisement in the London Gazette and by notice in writing to the Board of Trade and to the county council and to each of the local authorities whose county or districts are within or partly within the limits of supply and to each consumer of gas supplied by the Company declare their intention to supply at the expiration of three months from the date of such notice or at such later date as may be specified in such notice gas of such different calorific value as may be declared in such advertisement and notice and the calorific value as so declared by the Company shall thereafter be the declared calorific value for the purposes of this Act unless

and until varied by subsequent declaration under the provisions of this Act. A.D. 1931.
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98. If and so often as the Company shall declare their intention to supply gas of a different calorific value from the calorific value which they are supplying at the date of such declaration the Company shall effect any readjustment or replacement of consumers' appliances which may be required in consequence of such alteration of calorific value and so that the gas supplied can be burned in such appliances with safety and efficiency except in the case of a consumer who objects to such readjustment or replacement. On each such occasion the Company shall carry out such readjustments and replacements as they are by this section required to effect within six months from the date when they commence to effect the same and without charge to the consumer. Adjustment
of con-
sumers'
appliances.

99. The minimum pressure of gas supplied by the Company shall in any main or in any pipe laid between the main and the meter having an internal diameter of two inches or upwards be such as will balance a column of water not less than two inches in height : Pressure
of gas.

Provided always that—

- (a) whenever the declared calorific value is less than three hundred and fifty British thermal units the minimum pressure of the gas supplied by the Company in any such main or pipe as aforesaid shall be such as will balance a column of water not less than two and a half inches in height; and
- (b) whenever the declared calorific value is less than three hundred British thermal units the minimum pressure of gas supplied by the Company in any such main or pipe shall be such as will balance a column of water of such height not being less than three inches as shall be prescribed by the gas referees.

100. The following sections or parts of sections of the Act of 1920 as amended by the Act of 1929 shall apply to the Company as if the provisions of this Part and of Part VIII (Provisions as to price of gas and profits) As to
application
of Act of
1920.

A.D. 1931. of this Act were an order made under section 6 of the Act of 1929 in relation to the Company (namely):—

Subsection (7) of section 1 (Power to substitute new basis of charges);

Subsection (1) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 11 (Fees for examination of meters);

Section 12 (Application of ss. 5 and 6 of 4 Edw. VII c. 28);

Section 13 (Meters to be stamped);

Section 15 (Accounts and returns);

Section 16 (Power to make rules);

Section 18 (Definitions); and

Section 20 (Expenses of local authorities).

Save as aforesaid the provisions of the Act of 1920 (other than section 10 of that Act) shall not apply to the Company.

PART VIII.

PROVISIONS AS TO PRICE OF GAS AND PROFITS.

Standard price.

101. The standard price in respect of gas supplied by the Company to consumers by meter shall be ten decimal two pence per therm and that price is in this Act referred to as "the standard price."

Profits of Company limited.

102.—(1) Except as by this Act provided the profits of the Company to be divided amongst the holders of ordinary stock in any year shall not exceed the following rate (which is in this Act referred to as "the standard rate of dividend") that is to say the rate of six pounds in

respect of every one hundred pounds of such stock and so in proportion for any fraction of one hundred pounds. A.D. 1931.

(2) In respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital the rate of dividend shall not exceed seven pounds and so in proportion for any fraction of one hundred pounds.

103. The prices charged by the Company for gas supplied by them to consumers by meter within— Differential prices.

(a) the urban district of Adwick-le-Street and the parishes or townships of Brodsworth-cum-Pigburn and Scausby Owston Burghwallis Thorpe-in-Balne Skelbrooke Marr Hampole Askern Norton Campsall Sutton-near-Doncaster Moss Fenwick Little Smeaton and Kirk Smeaton (which urban district parishes or townships are in this Part of this Act referred to as "the Brodsworth area") may exceed by not more than one decimal eight pence per therm the price for the time being charged for gas supplied to consumers by meter within the urban districts of Royston Darton and Cudworth and the parishes or townships of Ryhill Havercroft South Hiendley and Carlton (which urban districts parishes or townships are in this Part of this Act referred to as "the Royston area");

(b) the parishes or townships of Hooton Pagnell Barmbrough Hickleton Clayton with Frickley (part of) South Elmsall North Elmsall South Kirkby Badsworth Hamphall Stubbs Thorpe Audlin Upton Walden Stubbs Brierley Shafton Huntwick-with-Foulby Nostell and Winterset Notton Stapleton Womersley Whitley Cawthorne Silkstone and High Hoyland (which parishes or townships are in this Part of this Act referred to as "the South Elmsall area") may exceed by not more than threepence per therm the price for the time being charged for gas supplied to consumers by meter within the Brodsworth area;

but any sums so charged in excess shall not be taken into account for the purposes of the section of this Act of

A.D. 1931. — which the marginal note is “Dividend dependent on price charged.”

Dividend dependent on price charged.

104. The Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the standard rate of dividend on the ordinary stock of the Company as follows :—

- (1) In respect of any half-year during any part of which the price charged by the Company shall have been above the price of ten decimal six pence per therm the dividend payable by the Company in respect of that half year shall not exceed a dividend at a rate per centum per annum less than the standard rate of dividend by three shillings in respect of each one-fifth of a penny or part thereof by which the highest price charged by the Company in that half year exceeds the said price of ten decimal six pence :
- (2) And in respect of any half-year during the whole of which the price charged by the Company shall have been below the standard price the dividend payable by the Company in respect of such half year may be a dividend at a rate per centum per annum exceeding the standard rate of dividend by three shillings in respect of each one-fifth of a penny by which the highest price charged by the Company in that half year is less than the standard price :

Provided that if the rate of dividend payable in any half-year is less than the standard rate of dividend the Company or the directors (as the case may be) may declare and pay a dividend at a rate in excess of the rate of dividend so payable (but not in excess of the standard rate of dividend) if they also transfer forthwith to the profit and loss (net revenue) account from the reserve fund a sum equal to the amount by which the total dividend paid exceeds the total dividend which would but for this proviso be payable.

Revision of standard price.

105.—(1) If at any time after the expiration of three years from the date of the passing of this Act it is shown to the satisfaction of the Board of Trade—

- (a) that the costs and charges of and incidental to the production and supply of gas have substantially

altered from circumstances beyond the control of or which could not reasonably have been avoided by the Company; or

- (b) that the costs and charges of and incidental to the production and supply of gas would have been substantially reduced if the Company had availed themselves of circumstances reasonably within their control; or
- (c) that there has been a material alteration in the relative quantities of gas purchased in bulk and gas manufactured by the Company; or
- (d) that there has been an increase or decrease in—
 - (i) the rate of interest which the Company are obliged to pay on capital raised or money borrowed for the purposes of the undertaking; or
 - (ii) the cost to the Company of providing works plant or apparatus for the supply of gas; or
 - (iii) the annual output of the undertaking;

the said Board may if they think fit on the application of the Company or of the local authority make an order varying the standard price either by way of increase or decrease and on the making of any such order this Act shall have effect as if the standard price fixed by such order were substituted for the standard price prescribed by this Act.

(2) The standard price fixed by any order made by the Board of Trade under this section may from time to time be revised by orders made by the said Board in the like circumstances on the like application and with the like consequences as in the case of an order under subsection (1) of this section.

(3) Before making any order under this section the Board of Trade shall require the Company to give public notice in the London Gazette and in such other manner as the said Board may consider best adapted for informing persons affected of the application for an order and of the standard price proposed and as to the manner in which and time within which objections may be made and shall where they think it expedient to do so cause an inquiry to be held. The notice to be given under this section shall include notice to the local authority.

A.D. 1931.

(4) In this section the expression "local authority" has the meaning assigned to that expression by the Act of 1920 and includes in addition any rural district council.

Application
of excess
profits over
standard
rate of
dividend.

106. If the clear profits of the Company in any year or half-year amount to a larger sum than is sufficient to pay the dividend on preference capital and the authorised rate on the ordinary stock of the Company the excess shall be carried forward to the credit of the profit and loss (net revenue) account for the next following year or half-year. Provided that the amount at any time standing at the credit of the profit and loss account and so carried forward shall not exceed the total of the following amounts:—

- (a) The amount required by the Company for paying any dividend on preference capital (if any) or ordinary capital or interest on moneys borrowed for the purposes of the undertaking which the Company are entitled or required to pay but have not paid in respect of the year or half-year preceding such following year or half-year;
- (b) An amount equal to the total sum which will be required for paying one year's dividend on the preference capital (if any) of the Company and one year's dividend at the authorised rate on the ordinary capital of the Company; and
- (c) An amount equal to the total sum which the Company will be required to pay during the next following year or half-year as interest on any mortgages or debenture stock.

Charges for
gas supplied
by means of
prepayment
meters.

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

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be two decimal four pence per therm if a cooking stove is included and twopence per therm if a cooking stove is not included.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated

according to the number of therms supplied (when the maximum rate of charge shall be one decimal two pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

A.D. 1931.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meter and fittings or of the meter (as the case may be) and the cost of collection and other costs incurred by the Company in connection therewith.

(5) 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.

108. Notwithstanding anything in this Act contained the Company shall not demand in respect of any gas supplied through a prepayment meter to the occupier of a dwelling-house belonging to or provided by the rural district council of Hemsworth in which the necessary fittings have been provided and fixed by the council a greater charge (in addition to the charge for gas supplied) than two decimal five pence per therm in consideration of which payment the Company shall repair and renew such meter and fittings.

As to supply of gas through prepayment meters in respect of certain dwelling-houses.

109. Notwithstanding anything contained in this Act—

Provisions where meter indices are read before or after appointed day.

(a) where the indices of the meter registering the supply of gas to any consumer are read for the Christmas quarter of the year one thousand nine hundred and thirty-one on or before the thirty-first day of December in that year all gas supplied to that consumer through such meter after the date of such reading shall for the purposes of this Act be deemed to have been supplied by the Company on or after the appointed day;

(b) where the indices of the meter registering the supply of gas to any consumer are read for the said quarter at any time after the said thirty-first day of December all gas supplied to that consumer through such meter up to the date of such reading shall for the purposes of this Act be deemed to have been supplied by the three companies before the appointed day.

A.D. 1931.
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Interim
dividends
and annual
accounts.

110.—(1) The directors may on or after the thirtieth day of June in any year without the sanction of a general meeting declare and pay an interim half-yearly dividend out of the funds of the Company applicable to dividend on any class of stock in the capital of the Company on account of the dividend for that year to be declared at the next following annual general meeting but no such interim dividend shall as respects any ordinary stock exceed the rate of dividend on such stock in respect of such half-year as ascertained pursuant to the section of this Act of which the marginal note is “Dividend dependent on price charged” and no such interim dividend shall as respects any preference stock exceed one-half of the preferential annual rate of dividend assigned to such stock.

(2) Section 116 of the Companies Clauses Consolidation Act 1845 shall in its application to the Company be read as if the words “preceding year” were substituted therein for the words “preceding half-year.”

PART IX.

RESERVE AND OTHER FUNDS.

Reserve
fund.

111.—(1) Where in any year the dividend payable by the Company on the ordinary capital of the Company shall exceed the standard rate of dividend by reason of the price charged by the Company for gas in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be decided by the directors 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 (a) to the making of any transfer such as is referred to in the proviso to the section of this Act of which the marginal note is “Dividend dependent on price charged” or (b) to or towards the payment of dividend in any year or half-year in which the profits of

the Company shall be insufficient to enable the Company in such year or half-year to pay the dividend at the authorised rate on the ordinary stock of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

A.D. 1931

(2) The money and securities standing to the credit of the reserve fund of the three companies (other than the depreciation reserve fund of the South Elmsall Company) shall be credited to the reserve fund provided for by this Act and save as is by this Act provided no sum shall in any year or half-year be carried by the Company to any reserve fund.

112.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the aggregate of the paid-up capital of the Company (including premiums) the amount outstanding of the mortgages and debentures referred to in the section of this Act of which the marginal note is “As to outstanding mortgages &c.” and of any outstanding loans raised by the Company on mortgage or by the creation and issue of debenture stock and carry the same to a fund to be called the “special purposes fund.”

Special
purposes
fund.

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

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

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the aggregate of the paid-up capital of the Company (including premiums) the amount outstanding of the mortgages and debentures referred to in the section of this Act of which the marginal note is “As to outstanding mortgages &c.” and of any outstanding loans raised by the Company on mortgage or by the creation and issue of debenture stock.

A.D. 1931.

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in one way and 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 that 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 special purposes funds (if any) of the three companies shall be credited to the special purposes fund authorised by this section.

(7) The special purposes fund may be maintained at any amount to which it has lawfully been raised in pursuance of this section notwithstanding any subsequent reduction in the amount of outstanding loans.

Renewal
fund.

113.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company including premiums to a fund to be called the “renewal fund.”

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

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

(4) The money or securities standing to the credit of the depreciation reserve fund of the South Elmsall Company shall be credited to the renewal fund authorised by this section.

PART X.

PROFIT SHARING &C.

Profit
sharing.

114.—(1) The directors may with the sanction of a majority of the votes of the proprietors of the Company

present in person or by proxy and entitled to vote and voting at an extraordinary general meeting of the Company prepare and put into force and may from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in the scheme or schemes to participate in the profits of the undertaking as part of the terms of remuneration for the services of such employees : A.D. 1931.

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

(2) Any agreement as to service in pursuance of any such scheme may be entered into with any employee not being under the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary of the Company or any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything contained in any Act or Order relating to the Company the directors may if and whenever required by any persons being the trustees under any such scheme so to do issue to any employee such amount of ordinary stock of the Company (not being less than one pound or a multiple of one pound) as the trustees may specify (being in each case within the limit of the amount of ordinary stock which the Company may for the time being be authorised to issue) without offering such stock for sale by public auction or tender :

Provided that any stock issued under the provisions of this section shall be issued at the average price at which according to the books of the Company sales of ordinary stock were effected within the period of three months immediately preceding the issue or if there has been only one sale or no sale of ordinary stock then at the price at which the last sale of such stock was effected making due allowance in each case for any enhancement in price by reason of any accrued dividend The price at which such stock is to be issued shall be determined by the trustees under any such scheme in accordance with the provisions of this subsection.

(4) The directors may also as part of any such scheme accept on deposit on behalf of any employee any savings

A.D. 1931. — or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

Regulations affecting profit sharing scheme.

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

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

Super-annuation scheme.

116.—(1) The Company may establish and carry into effect a scheme or schemes for the provision of superannuation allowances for their employees and may by any such scheme provide for the making of contributions by the Company and by such employees to such fund and for the investment of moneys for the time being forming part of any such fund and the accumulation of interest or dividends on such investments by way of compound interest.

(2) The said superannuation fund shall not come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

Power to grant pensions &c. to employees &c.

117.—(1) The directors may grant pensions or gratuities or make other allowances or payments to any employees or the dependants of any such employee or may make contributions to any fund established by their employees for the payment of pensions or superannuation allowances or for the benefit of such dependants and may charge any such fund and their revenues with such payments or contributions.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing any such pensions gratuities

allowances or payments and may for all or any of the purposes of this section apply the revenues of the Company. A.D. 1931.
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118. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any charitable objects and to any industrial exhibitions relating to any of the objects of the Company and to benevolent and sick funds of the employees and may for any of those purposes apply the revenue of the Company. Power to directors to make donations subscriptions &c.

PART XI.

MISCELLANEOUS.

119.—(1) The Company and any undertakers supplying gas in any district adjacent to the limits of supply may with the approval of the Board of Trade enter into and carry into effect agreements with each other for all or any of the following purposes :— Agreements between Company and other gas undertakers.

The use or the participation in the use of or in any benefit of any premises plant organisation operations or other facilities belonging to enjoyed by carried on or provided wholly or partly by the Company in relation to the manufacture and sale of gas or products arising in such manufacture or the provision of any such facilities ;

The purchase transport landing and delivery of coal and the dispatch or disposal of residual products arising in the manufacture of gas ;

The carrying out of scientific research in relation to coal and such residual products as aforesaid ;

The extension provision and maintenance or use of any laboratories and apparatus for such research and the use or benefit of any results or discoveries arising thereby ;

The provision of any buildings works or plant for the purpose of enabling either party to such agreement to give a supply of gas in bulk to the other of them ;

The provision of moneys for carrying into effect any such agreement ; and

Any matters or things incidental to or connected with any of the purposes aforesaid.

A.D. 1931.

(2) The Company and any undertakers entering into any such agreement shall remain and be subject to all and the same obligations and liabilities to all persons not being parties to any such agreement as they would have been subject to if such agreement had not been entered into.

(3) The Company and any undertakers when submitting to the Board of Trade any proposals for an agreement under this section shall furnish particulars of such proposals to every local authority having jurisdiction either within the limits of supply of the Company or of the undertakers who are a party to any such agreement and the said local authorities shall be entitled to make representations to and be heard by the Board of Trade thereon before the agreement embodying such proposals is approved by the said Board.

(4) Nothing in this section shall empower the Company or any such undertakers as aforesaid to work up and convert residual products arising from the manufacture of gas except in accordance with the provisions of and subject to the restrictions imposed by the Acts or Orders by which the Company or such undertakers are authorised to work up and convert residual products.

Loans to other companies and exchange of securities and subscription for shares.

120. In any case in which the Company and any other company have entered into any agreement authorised by this Act the Company may effect exchanges of stock or securities of the Company with proprietors of stock shares or securities of such other company and may lend money to such other company to such extent as in the opinion of the directors of such other company will be of advantage for furthering the purposes of such agreement including a reduction in the price of gas and may subscribe for purchase hold and dispose of shares stock or securities in such other company.

Company may contract for supply and purchase in bulk.

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

Provided that the Company shall not supply gas under any such contract beyond the limits of supply if

and so long as such supply would interfere with the supply of gas within those limits. A.D. 1931.

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

123. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company— Register of shareholders and shareholders' address book.

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

124.—(1) The Company may acquire hold and use any patent rights (not being exclusive rights) in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. Patent rights.

(2) A patent may on the application of the Company and of the inventor of any invention relating to the business of the Company be granted to the Company and such inventor jointly and in any such case the Company and the said inventor shall respectively have all the rights and remedies of joint grantees of a patent under the Patents and Designs Acts 1907 to 1928 or any statutory modification thereof for the time being in force.

125. If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest at the rate of five per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Company to pay interest on money deposited as security for gas meter &c.

A.D. 1931.
Closing of
transfer
books.

126. The directors may close any register of transfers for a period not exceeding fourteen days previous to the declaration of any interim or other dividend or to the date on which interest on the stock to which the register relates shall be payable and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating within the limits of supply and any transfer made during the time when the transfer book in which the same is to be registered is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or to the date on which the interest is payable.

As to
receipts for
interest on
debenture
stocks
standing
in more than
one name.

127. Where any debenture stock of the Company is registered in the names of more than one person as holders thereof the receipt of any of the registered holders of such debenture stock shall in the event of no notice to the contrary being served upon the Company from the other or others of such registered holders be a sufficient discharge to the Company for any interest payable in respect of such debenture stock the receipt whereof is acknowledged by such receipt.

Receipt in
case of
persons not
sui juris.

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

Authentica-
tion and
service of
notices by
Company.

129. Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or of business or by delivering the same to some inmate at his last known place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice

or a copy thereof upon some conspicuous part of such premises. A.D. 1931.

130. In any case in which the Company are required to serve any notice upon or give notice to the consumers of gas supplied by them in the whole or any part of the limits of supply the Company shall not for any purpose be required to furnish proof of the service of such notice upon or the giving of such notice to any particular consumer or consumers if they shall have advertised such notice in the London Gazette and in such newspaper or newspapers published or circulating within the limits of supply or within that part of the limits of supply to which the said notice relates as will in the opinion of the directors best give publicity to the said notice. As to proof of service of notices upon consumers.

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

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

133. All things required or authorised under this Act or any enactment incorporated therewith or applied thereby to be done by the Board of Trade may be done by the President or secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board. Exercise of powers of Board of Trade.

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

A.D. 1931. Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Repeal of powers of Barnsley Gas Company to supply gas in Company's limits of supply.

135. As from the passing of this Act the rights powers and authorities of the Barnsley Gas Company to supply gas in any part or parts of the limits of supply shall cease and determine and so much of the Barnsley Gas Act 1867 as authorises the Barnsley Gas Company to supply gas within any parish township or place now comprised in those limits is hereby repealed.

Saving for powers of Cudworth Urban District Council.

136. Nothing contained in this Act or in any incorporated enactment shall repeal or abrogate the rights powers and privileges of the urban district council of Cudworth under the Cudworth Gas Orders 1903 and 1911.

Costs of Act.

137. All the costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1931.
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FIRST SCHEDULE.

ACTS AND ORDER REPEALED.

Brodsworth and District Gas Act 1912.

Brodsworth and District Gas (Charges) Order 1921.

South Elmsall and District Gas Act 1923.

SECOND SCHEDULE.

GAS LANDS.

(a) Brodsworth gasworks.

(1) A piece of land containing by admeasurement 3,800 square yards or thereabouts situate in the urban district of Adwick-le-Street in the west riding of the county of York bounded on all sides by property belonging or reputed to belong to the Bullcroft Main Collieries Limited.

(2) A piece of land containing by admeasurement 2,476 square yards or thereabouts situate in the parish or township of Askern in the west riding of the county of York bounded on or towards the east by the main road leading from Askern to Selby on or towards the north the north-west and the south-west by property belonging or reputed to belong to the Askern Coal and Iron Company Limited and on or towards the south by a dyke or water-course separating the same from property belonging or reputed to belong to the representatives of the late Baron Frank.

(b) South Elmsall gasworks.

A piece of land containing by admeasurement 5,000 square yards or thereabouts situate in the parish or township of South Elmsall in the west riding of the county of York bounded on the north by property of the London and North Eastern Railway Company on the south in part by a public highway connecting with the main road

A.D. 1931.
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leading from South Elmsall to South Kirkby in other part by an occupation road known as Low Gate in other part by land belonging or reputed to belong to the trustees of Thomas Brooks, deceased and in other part by land belonging or reputed to belong to William Pickersgill and Company Limited on the east by the public highway leading from South Elmsall to North Elmsall and on the west by land belonging or reputed to belong to the said William Pickersgill and Company Limited.

(c) Royston gasworks.

(1) A piece of land containing by admeasurement 2,520 square yards or thereabouts situate in the parish or township of Havercroft in the west riding of the county of York bounded on all sides by lands belonging or reputed to belong to Lord Galway and held on lease by the New Monckton Collieries Limited and which said piece of land forms part of the enclosure numbered 159 on the 1/2500 Ordnance map for the said parish 1917 edition sheet CCLXIII. 9.

(2) A piece of land containing by admeasurement 4,840 square yards or thereabouts situate in the said parish or township of Havercroft bounded on the easterly side thereof by the railway and land belonging or reputed to belong to the London Midland and Scottish Railway Company on the northerly side by land belonging or reputed to belong to Lord Galway and held on lease by the New Monckton Collieries Limited on the southerly side by Lundhill Lane and on the westerly side by the boundary line between the said parish of Havercroft and the urban district of Royston and which said piece of land forms part of the enclosure numbered 150 on the before-mentioned Ordnance map.

(3) A piece of land containing by admeasurement 1,540 square yards or thereabouts situate at the southerly end of New Street at or near Broad Royd Head Staincross in the urban district of Darton in the west riding of the county of York and bounded on the north-east side thereof by a public footpath running through land belonging or reputed to belong to the executors of Seth Shaw on the north-west and southerly sides by land belonging or reputed to belong to the Barnsley Brewery Company Limited and at the easterly end by a piece of road connecting with the said street called New Street which said piece of land forms part of the enclosure numbered 328 on the 1/2500 Ordnance map for the parish or township of Darton 1918 edition sheet CCLXII. 15.

THIRD SCHEDULE.

A.D. 1931.

LIMITS OF SUPPLY.

In the administrative county of the west riding of Yorkshire—

The urban districts of Adwick-le-Street Royston and Hemsworth ;

The urban district of Darton except such part of the township of Barugh in that urban district as lies to the south-east and east of an imaginary line drawn from the point where the footpath crossing Hermit Wood (being the enclosure numbered 104 on the 1/2500 Ordnance map Yorkshire (West Riding) sheet CCLXXIV. 6 second edition 1906) meets the boundary between the borough of Barnsley and the said urban district of Darton on the western side of the said enclosure and proceeding thence in a direction due north-north-east until it meets the boundary between the said township of Barugh and the township of Darton in the said urban district in the enclosure numbered 14 on the said Ordnance map ;

Such part of the urban district of Cudworth as lies north-west of an imaginary straight line drawn from the south-western corner of the enclosure numbered 346A on the 1/2500 Ordnance map Yorkshire (West Riding) sheet CCLXIII. 13 (second edition 1906) proceeding thence in a north-easterly direction to a point on the boundary between the said urban district of Cudworth and the rural district of Hemsworth at the north-east corner of the enclosure numbered 376 on the said Ordnance map ;

The parishes or townships of Brodsworth-cum-Pigburn and Scausby Owston Thorpe-in-Balne Burghwallis Marr Hampole Askern Norton Campsall Sutton-near-Doncaster Moss Fenwick Hooton Pagnell Barmbrough and Hickleton in the rural district of Doncaster and the parish of Clayton with Frickley in the said rural district except so much thereof as lies to the west of an imaginary line drawn from the point in the boundary between that parish and the parish of South Kirkby at which Bird Lane crosses Howell Beck and proceeding thence in a southerly direction along the eastern boundaries of the enclosures numbered 86 89 88 96 97 100 99 137 139 141 and 142 on the 1/2500 Ordnance map Yorkshire (West Riding) sheet CCLXXV. 4 (second edition 1906) and thence along the southern boundary of the enclosure numbered 262 on the same map and thence along the eastern boundary of the enclosures numbered 274 276 and 213 on the same map thence crossing Shortwood Lane at its junction with Top

A.D. 1931.
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Lane and thence due south till it reaches the northernmost corner of the parish and urban district of Thurnscoe ;

The parishes or townships of South Elmsall North Elmsall South Kirkby Badsworth Hamphall Stubbs Thorpe Audlin Upton Walden Stubbs Brierley Shafton Skelbrooke Little Smeaton Kirk Smeaton Ryhill Havercroft South Hiendley Huntwick-with-Foulby and Nostell and Winter-sett in the rural district of Hemsworth ;

The parishes or townships of Carlton and Notton in the rural district of Barnsley ;

The parishes or townships of Stapleton Womersley and Whitley in the rural district of Pontefract ;

The parishes or townships of Cawthorne Silkstone and High Hoyland in the rural district of Penistone ;

as such urban districts parishes and townships are respectively constituted at the date when this Act is passed.

FOURTH SCHEDULE.

REGULATIONS AFFECTING PROFIT-SHARING SCHEME.

PART I.

Regulations as to disposal of stock &c.

Definitions.

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

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

A.D. 1931.

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

Disposal of
stocks and
deposits by
nomination.

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

Revocation
of nomina-
tions.

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

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

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

Proceedings
on death of
appointor.

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

Legality of
acts done in
ignorance of
marriage of
appointor.

A.D. 1931.

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

Disposal in
case of no
nomination.

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

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

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

Provided that in every case where the deceased appointor has left no widow and the persons entitled under the said Administration of Estates Act 1925 are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said Act and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser or the purchasers thereof:

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

(ii) The provisions of this clause shall also apply in the case of the death of any appointor being entitled at his death to stock

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

A.D. 1931.
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(iii) Any registration of stock or payment of deposits or the proceeds of any sale made either (a) under the foregoing provisions of this clause in the name of or to any person who at the time appears to the directors to be entitled to such stock deposits or proceeds under such provisions or (b) under the provisions of clause 9 or clause 10 of this Part of this schedule in the name of or to any person on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be so entitled as aforesaid and any sale of stock to a bona fide purchaser made by the directors under the provisions of this clause shall be valid and effectual against any demand made upon the Company or the directors or the trustees by any other person. Provided nevertheless that the legal personal representative or representatives of the deceased appointor shall have a remedy for the recovery of such stock deposits or proceeds against the person in whose name the same shall have been registered or to whom the same shall have been paid but nothing in this proviso shall confer upon any person any such remedy against a bona fide purchaser of such stock or against the widow of a deceased appointor or shall confer upon any person on behalf of or for the benefit of or in trust for whom the stock deposits or proceeds have been so registered or paid any such remedy against the person in whose name or to whom the same have been registered or paid.

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

Provisions
as to small
amounts of
stock.

9. Where any beneficiary is under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant

Provisions
as to benefi-
ciaries under
sixteen.

A.D. 1931. — the directors or the trustees (as the case may require) may notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid to him or received by him from the sale of or as dividend bonus or otherwise on such stock for the maintenance education or benefit of such beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid.

Directors may appoint trustee for beneficiary under sixteen.

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

Power to infant beneficiaries over sixteen.

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

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

Estate duty payable in certain cases.

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

(2) Nothing in this clause shall render the directors or the trustees accountable for the payment of the estate duty in respect of any stock deposits or other moneys which they have registered

paid over distributed or otherwise disposed of in accordance with the provisions of this schedule. A.D. 1931.

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

As to stock and deposits exceeding one hundred pounds.

PART II.

Regulations as to nominations.

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

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

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

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

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

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

7. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which the appointor is entitled at the time of his decease up to a total value not

A.D. 1931. — exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

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

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

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