

**CHAPTER cxxiv.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Kibworth Gas Midsomer Norton Gas Redditch Gas and West Staffordshire Gas. A.D. 1913.  
[15th August 1913.]

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

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

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

**1.** This Act may be cited as the Gas Orders Confirmation Act 1913. Short title.

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

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S C H E D U L E.  

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LIST OF ORDERS.  

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KIBWORTH GAS.—Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the parishes of Kibworth Beauchamp Kibworth Harcourt Smeeton Westerby Fleckney and Saddington in the rural district of Market Harborough all in the county of Leicester.

MIDSOMER NORTON GAS.—Order empowering the Midsomer Norton Gas and Coke Company Limited to construct additional gasworks to raise additional capital and for other purposes.

REDDITCH GAS.—Order empowering the Redditch Gas Company to construct further works for the manufacture and storage of gas and to raise additional capital and for other purposes.

WEST STAFFORDSHIRE GAS.—Order authorising the maintenance and continuance of gasworks and the manufacture and supply of gas in the parishes of Brewood Lapley and Wheaton Aston Stretton Church Eaton Gnosall and Haughton and part of the parish of Blymhill all in the county of Stafford and for other purposes.

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## KIBWORTH GAS.

A.D. 1913.

*Order authorising the maintenance and continuance of existing Gasworks and Works connected therewith and the manufacture and supply of Gas in the Parishes of Kibworth Beauchamp Kibworth Harcourt Smeeton Westerby Fleckney and Saddington in the Rural District of Market Harborough all in the County of Leicester.*

*Preliminary.*

1. This Order may be cited as the Kibworth Gas Order 1913. Short title.

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

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 (except sections 31 to 34) and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except so far as the same are expressly varied by or are inconsistent with the provisions hereof and the said provisions of the Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order: Incorporation of Acts.

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

4. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned Interpretation.



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have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking by this Order authorised (including the gasworks and works connected therewith by this Order authorised to be continued and maintained) and the expression "the authorised rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Limits of  
Order.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Kibworth Beauchamp Kibworth Harcourt Smeeton Westerby Fleckney and Saddington in the rural district of Market Harborough in the county of Leicester.

*Undertakers.*

Undertakers.

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

*Capital.*

Capital.

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

Additional  
capital to be  
sold by  
auction or  
tender.

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

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

(a) Notice of the intended sale shall be given in writing to the clerk of every local authority within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall

also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply :

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

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

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

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

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

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

(5) As soon as possible after the conclusion of the sale or sales the Undertakers shall send a report thereof to the Board of Trade stating the total amount of the shares or stock sold the total amount



A.D. 1913. obtained as premium (if any) and the highest and lowest prices  
*Kibworth.* obtained for the shares or stock as the case may be.

Application  
of premium  
arising on  
issue of shares  
or stock.

9. All money raised under this Order including any 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 any shares or stock under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limit of  
dividends on  
capital.

10. Except as by this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends than ten pounds in respect of every one hundred pounds of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or five pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital (which are in this Order referred to as "the standard rates of dividend").

Dividends  
on different  
classes of  
ordinary  
shares or  
stock to be  
paid propor-  
tionately.

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

Power to  
create a  
special pur-  
poses fund.

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

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

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

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

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

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

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

13. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year. Provided that the sum so carried forward shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

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

Power to  
create a  
reserve fund  
and appli-  
cation  
thereof.

15. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking shall not at any time exceed in the whole one-third of the amount of the capital of the Undertakers at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers

Limit of  
borrowing  
powers.



A.D. 1913. without the consent of the Board of Trade in respect of any moneys  
 Kibworth. borrowed by the Undertakers after the commencement of this Order  
 and secured as aforesaid.

*Lands.*

Power to  
purchase  
lands by  
agreement.

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

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

Power to  
continue  
existing gas-  
works on  
lands de-  
scribed in  
schedule and  
to make and  
sell gas &c.

17. The Undertakers may on the lands described in the schedule to this Order annexed so long as they are possessed of the same maintain and continue and alter enlarge improve renew or discontinue their existing gasworks and works connected therewith and may construct maintain alter enlarge improve renew or discontinue additional gasworks and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands manufacture and convert residual products resulting from the manufacture of gas and they may also construct and maintain alter enlarge renew or discontinue on the said lands houses offices buildings and other works connected with the undertaking.

For pro-  
tection of  
Midland  
Railway  
Company.

18. In executing the works authorised by this Order where the same will cross over or under or otherwise affect any railway or any part of the works or property of the Midland Railway Company (hereinafter referred to as "the Midland Company") the Undertakers shall (except so far as it may be otherwise agreed in writing between the Midland Company and the Undertakers) be subject to the following conditions:—

- (1) All such works shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer for the time being of the Midland Company and except in cases of emergency according to plans and drawings to be previously sub-



mitted to and reasonably approved by him or in case of difference by an arbitrator appointed in pursuance of this section. Provided that if for fourteen days after such plans and drawings shall have been submitted to the said engineer he shall fail to give notice to the Undertakers of his objections thereto he shall be deemed to have approved thereof:

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- (2) If within fourteen days after the receipt of any such plans and drawings the Midland Company give to the Undertakers notice in writing that they themselves desire to execute any part of the work (other than the actual laying down of the mains which shall be done by the Undertakers) which will cross over or under any railway or work belonging to them the Midland Company may themselves execute such part of the work and recover the reasonable costs thereof from the Undertakers but so nevertheless that any works so constructed by the Midland Company shall be constructed without delay and under the superintendence and to the reasonable satisfaction of the engineer of the Undertakers:
- (3) All works which the Undertakers may execute under this section shall be so constructed as to cause so far as is reasonably practicable no injury to the railways works and property of the Midland Company or interruption to the passage or conduct of traffic over the same and if in consequence of the execution maintenance or failure of such works any injury be caused to the said railways works and property or any interruption be caused to the said traffic the Undertakers shall make full compensation to the Midland Company in respect of such injury or interruption the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:
- (4) The Undertakers shall bear and on demand pay to the Midland Company the reasonable expense of the employment by the Midland Company during the execution of the works affecting their railways of a reasonable number of inspectors watchmen and signalmen to be appointed by the Midland Company for watching and signalling the same with reference to and during the execution of any such work of the Undertakers 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 Undertakers or their contractors:

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- (5) Any dispute or difference which may arise between the Midland Company and the Undertakers with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed (in default of agreement) by the Board of Trade on the application of the Midland Company or the Undertakers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For pro-  
tection of  
Leicester-  
shire County  
Council.

19. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads repairable by the Leicestershire County Council (hereinafter referred to as "the county council") and county bridges of the county of Leicester under the jurisdiction of the county council the following provisions shall have effect unless otherwise agreed on in writing between the county council and the Undertakers (that is to say):—

- (1) All pipes or works to be laid in or along any main roads shall as far as practicable be constructed and laid at the side thereof:
- (2) No pipes or works shall (unless the county council in their absolute discretion otherwise consent) be constructed or laid under the roadway of any county bridge or any arch connected therewith but shall be carried alongside such bridge and arches in such manner as may be agreed on between the Undertakers and the county council or as failing agreement may be settled by arbitration as hereinafter provided and the Undertakers may construct lay down and maintain such pipes accordingly:
- (3) All works of or connected with the laying down of any pipes along any main road or over any county bridge shall be so executed as not to stop or unreasonably interfere with the traffic of such main road or county bridge and all such works shall be proceeded with and completed with all possible dispatch:
- (4) Nothing in this Order shall in any way limit or affect the powers of the county council to divert widen or improve any main road or to remove alter widen or renew any county bridge or the approaches thereto in alongside or near to which any pipes or works of the Undertakers are laid or carried in the same manner as they might have done if this Order had not been made without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence



of the reasonable exercise of such powers Any alteration of the position of any pipes or works of the Undertakers necessitated by the diversion widening and improvement of such road or the removal alteration or widening or renewal of such bridge shall be effected by and at the expense of the Undertakers and within such reasonable period as shall be required by the surveyor of the county council Provided that before such diversion widening improvement removal alteration or renewal of any such main road or bridge shall be commenced the county council shall give one month's notice in writing to the Undertakers of their intention to carry out such works and the county council shall afford at the cost of the Undertakers reasonable facilities for temporarily carrying the pipes along the main road or across any stream so as not to interrupt the continuous supply of gas :

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*Kibworth.*

- (5) The county council shall not be liable for any claim for damages in respect of any injury which may be caused to the pipes or works of the Undertakers through the use by the county council or their agents of a steam roller upon any main road or bridge :
- (6) The Undertakers shall to the reasonable satisfaction of the county surveyor keep the portion of all main roads which shall be broken up for the purpose of constructing laying or repairing any works in good repair for twelve months after replacing and making good the same :
- (7) The notice required to be given by section eight of the Gasworks Clauses Act 1847 and the plan to be approved under section nine of the same Act before breaking up any streets shall with respect to any bridge or the approaches thereto or the roads over the same or with respect to any main roads under the control or management of the county council be given to and approved by the surveyor of the county council and the works referred to in such notice and plan shall be executed to the reasonable satisfaction of such surveyor :
- (8) Notwithstanding anything in this Order contained if any difference arise between the Undertakers and the county council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

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*Kibworth.*  
For protec-  
tion of Grand  
Junction  
Canal Com-  
pany.

20.—(1) Notwithstanding anything contained in this Order or in the Acts incorporated therewith the Undertakers shall not without the previous consent in writing of the Company of Proprietors of the Grand Junction Canal (in this section referred to as "the canal company") lay any main pipe or other work over or across the canal of the canal company or the towing-path thereof or other property of the canal company otherwise than in the roadway of a fixed bridge carrying a public road over the same.

(2) No injury to or interference with the structure of any bridge of the canal company or to or with the canal or other property of the canal company and no interruption to the traffic on the canal or towing-path shall be occasioned in the laying maintenance repair renewal relaying or enlarging of any main pipe or work of the Undertakers.

(3) The canal company may at any time and from time to time upon giving to the Undertakers three months' previous notice in writing of their intention so to do remove alter repair or renew any bridge over or across which any main pipe or work of the Undertakers may be laid in the same manner as they might have done if this Order had not been confirmed and such main pipe or work had not been so laid without making compensation to the Undertakers for any expense or loss occasioned to them thereby and in the event of any such removal alteration repair or renewal the Undertakers shall at their own expense remove or alter the position as the case may be of their main pipe or work and relay the same upon the altered or renewed bridge in the same manner and subject to the same restrictions as in the case of the original bridge. Provided that during such removal alteration repair or renewal the canal company shall afford to the Undertakers reasonable facilities for carrying the mains pipes or other works of the Undertakers across such bridge or at the side thereof.

(4) All works of the Undertakers in relation to the laying maintenance repair renewal relaying or enlarging of any main pipe or other work of the Undertakers over or across any such bridge as aforesaid or in or under the approaches thereto so far as maintainable by the canal company shall except in cases of emergency be executed under the supervision (if the same be given) and to the reasonable satisfaction of the engineer of the canal company and except as aforesaid according to plans approved by him. Provided that if the said engineer shall not approve or disapprove of such plans within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof. Provided further that the Undertakers shall as soon as practicable give notice to the canal company of any work of emergency carried out or intended to be carried out by them.



(5) If in the laying maintenance repair renewal relaying or enlarging of any main pipe or work of the Undertakers or by reason or in consequence of any failure or want of repair thereof any such injury interference or interruption as is mentioned in subsection (2) of this section shall be occasioned the Undertakers shall compensate the canal company in respect thereof.

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*Kibworth.*

(6) Any dispute or difference which may arise between the Undertakers and the canal company with reference to the provisions of this section or as to any works to be carried out in pursuance thereof shall be determined by the arbitration of an engineer or other fit person to be appointed in default of agreement by the Board of Trade on the application of the Undertakers or the canal company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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

Differences  
with road  
authority &c.

#### *Quality of Gas.*

22. The prescribed number of candles shall be not less than fourteen.

Quality of  
gas.

#### *Testing for Quality.*

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

Testing for  
quality.

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

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Kibworth.

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

*Pressure of Gas.*Pressure  
of gas.

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

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

*Testing Place.*Testing  
place.

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

*Price of Gas.*Price of gas  
with sliding  
scale as to  
dividend.

26. The price to be charged by the Undertakers for gas supplied by them within the parishes of Kibworth Beauchamp Kibworth Harcourt and Smeeton Westerby to private consumers by ordinary meters shall be three shillings and eightpence per thousand cubic feet and such price is in this Order referred to as "the standard price" Provided that the Undertakers may increase or reduce the price so charged by them for gas above or below the standard price subject to a reduction or increase in the dividend payable by the Undertakers on the ordinary share capital as follows:—

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



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

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*Kibworth.*

The price to be charged by the Undertakers for gas supplied by them in the parishes of Fleckney and Saddington shall not at any time exceed by more than sixpence per one thousand cubic feet the price for the time being charged for a supply under like circumstances within the said parishes of Kibworth Beauchamp Kibworth Harcourt and Smeeton Westerby.

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

Charge for  
gas supplied  
by means of  
prepayment  
meters.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher:

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 Undertakers in connexion therewith.

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

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*Miscellaneous.**Kibworth.*

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

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

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

Engines &c.  
though fixed  
to premises  
to remain  
property of  
Undertakers.

29.—(1) Subject as hereinafter provided all engines motors fittings apparatus and appliances of the Undertakers now out on hire or let by the Undertakers on hire under the provisions of this Order shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such engines motors fittings apparatus and appliances are or shall be fixed.

(2) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such engines motors fittings apparatus and appliances as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

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

30. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any streets 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 Order.



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

A.D. 1913.

*Kibworth.*Power to  
take licences  
for use of  
patents.

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

Power to  
contract for  
sale of gas in  
bulk.

33. No penalty shall be incurred by the Undertakers for neglect or refusal to give a supply of gas in accordance with the provisions of this Order to any company body or person who uses or is in the habit of using machinery or apparatus for making and utilising suction gas if and so long as the giving of a supply to such company body or person would interfere with the supply of gas by the Undertakers for public and private lighting and to consumers not using such machinery or apparatus as aforesaid. Provided that in the event of any difference or dispute arising as to whether any such supply of gas would be so interfered with as aforesaid such difference or dispute shall be referred to arbitration in manner provided by the Arbitration Act 1889.

As to supply  
to users of  
suction gas  
plant.

34. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Undertakers a supply or the continuance of a supply of gas for premises having a separate supply (that is to say a supply from an installation other than that of the Undertakers) unless he shall have previously agreed to pay the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of  
gas where  
consumer  
has separate  
supply.

A.D. 1913.

*Kibworth.*

As to construction and placing of pipes &amp;c. between mains and meters.

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

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter so far as the same are intended to be covered over:
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.



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

A.D. 1913.

*Kibworth.*Anti-  
fluctuators  
for gas  
engines.

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

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

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

Notice of  
discon-  
tinuance.

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

Period of  
error in  
defective  
meters.

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

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

A.D. 1913.

*Kibworth.*Power to erect  
cottages &c.  
for officers and  
servants.Exemption  
from penal-  
ties in certain  
cases.

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

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

Undertakers  
to pay  
interest on  
deposits.

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

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

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

Costs of  
Order.

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

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### SCHEDULE referred to in the foregoing Order.

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#### GAS LANDS.

A piece or parcel of land belonging or reputed to belong to and in the occupation of the Undertakers and upon which their existing gasworks are erected situate in the parish of Kibworth Beauchamp and rural district of Market Harborough in the county of Leicester containing 1a. 1r. 38 $\frac{3}{4}$ p. or thereabouts bounded on the south on which it measures 453 feet and 6 inches or thereabouts by the road leading from Kibworth Beauchamp to Market Harborough on the north or north-east by the Midland Railway Company's line from London to Leicester and on the west on which it measures 280 feet or thereabouts by land belonging or reputed to belong to Robert Bryan Haymes.

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## MIDSOMER NORTON GAS.

A.D. 1913.

*Order empowering the Midsomer Norton Gas and Coke Company Limited to construct additional gasworks to raise additional capital and for other purposes.*

Midsomer  
Norton.*Preliminary.*

1. This Order may be cited as the Midsomer Norton Gas Order 1913 and the Midsomer Norton Gas Order 1873 (in this Order referred to as "the Order of 1873") and this Order may be cited together as the Midsomer Norton Gas Orders 1873 and 1913.

Short and  
collective  
titles.

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

Commence-  
ment of  
Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order) Provided that for the purpose of its incorporation with the Order of 1873 and this Order section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

Incorporation  
of Acts.

4. In this Order the expression "the authorised rates" means the rates of dividend authorised by the Order of 1873 and this Order on the capital of the Undertakers and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised.

Interpreta-  
tion.*Undertakers.*

5. The Midsomer Norton Gas and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1913.

*Additional Capital.*

*Midsomer  
Norton.*  
Additional  
capital.

6. The limitation prescribed by the Order of 1873 with respect to the amount of the share capital of the Undertakers for the purposes of the undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the additional capital") not exceeding nine thousand pounds including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order. Provided that the share capital of the Undertakers for the purposes of their undertaking shall not exceed in the whole thirteen thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional  
capital to be  
sold by auc-  
tion or  
tender.

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

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

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

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

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

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



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

A.D. 1913.

*Midsomer  
Norton.*

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

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

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

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

Application  
of premium  
arising on  
issue of  
shares or  
stock.

9. The Undertakers shall not in any year declare out of their profits any larger dividend on the capital authorised by the Order of 1873 and on the additional capital authorised by this Order than the standard rates of dividend hereinafter mentioned namely ten pounds in respect of every one hundred pounds of the capital authorised by the Order of 1873 and seven pounds in respect of every one hundred pounds actually paid up of the additional capital authorised by this Order as is issued as ordinary capital or six

Limits of  
dividend on  
capital.



A.D. 1913. pounds in respect of every one hundred pounds actually paid up of such additional capital as is issued as preference capital.

*Midsomer  
Norton.*

Dividends on  
different  
classes of  
shares or  
stock to be  
paid pro-  
portionately.

10. In case in any year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the authorised rates on each class of ordinary shares or stock in the capital authorised by the Order of 1873 and the additional capital authorised by this Order a proportionate reduction shall be made in the dividend of each class.

Limit of  
borrowing  
powers.

11. The Undertakers may borrow on mortgage of the undertaking in addition to the sum they have already borrowed any sum of money not exceeding one third of the amount of the additional capital by this Order authorised to be raised and at the time actually raised by the issue of shares or stock including any premium that may be obtained on the sale of any shares or stock under the provisions of this Order and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys so borrowed by the Undertakers in respect of the additional capital.

Application  
of money.

12. The Undertakers may from time to time set aside out of the profits of the undertaking applicable to the payment of dividend such sum or sums as may be considered proper for the purpose of writing off any sum or sums which have been or may be allowed as discount on the issue of any part of the share capital of the Undertakers.

#### *Price of Gas.*

Price of gas.

13. As from the commencement of this Order section 12 of the Order of 1873 shall be repealed and in lieu thereof the following provisions shall be in force and have effect:—

- (1) The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity supplied:
- (2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly:



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

A.D. 1913.

*Midsomer  
Norton.**Purchase of Lands.*

14. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands which they are authorised to hold under the Order of 1873 and the lands described in Schedule A to this Order annexed any lands which they may require Provided that they shall not at any time hold for such purposes more than five acres of land in the whole in addition to the lands which they now hold under the Order of 1873 and the lands described in Schedule A to this Order and that they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Order of 1873 and in Schedule A to this Order.

Power to  
purchase  
additional  
lands.

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

Power to  
erect cottages  
&c. for  
officers and  
servants.*Lands for Construction of Additional Gasworks.*

16. The Undertakers notwithstanding anything in the Order of 1873 contained may on the lands described in Schedule A to this Order annexed so long as they are in possession of the same construct maintain alter enlarge extend improve renew or discontinue additional gasworks and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands manufacture and convert residual products resulting from the manufacture of gas and they may also construct and maintain alter enlarge extend and renew or discontinue on the said lands houses offices buildings and other works connected with the undertaking.

Undertakers  
may con-  
struct gas-  
works on  
lands de-  
scribed in  
Schedule A.*Testing Place.*

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

Testing  
place.

A.D. 1913.

*Pressure of Gas.*

*Midsomer  
Norton.*  
Pressure of  
gas.

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

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

*Quality of Gas.*

Quality of  
gas.

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

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

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

(4) Section 11 (Quality of gas) section 13 (Pressure of gas) and section 14 (Test meter) of the Order of 1873 are hereby repealed.

*Miscellaneous.*

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

20.—(1) The Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and all work



necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

A.D. 1913.

*Midsomer  
Norton.*

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

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

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

Anti-  
fluctuators  
for gas  
engines.

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

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

Power to  
take licences  
for use of  
patents.

23. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act

Period of  
error in  
defective  
meters.



A.D. 1913.

*Midsomer  
Norton.*

such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in like manner as gas charges are recoverable by the Undertakers.

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

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

Gas con-  
sumers to  
give notice to  
Undertakers  
before  
removing.

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

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

Notice of  
discon-  
tinuance.

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

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

27. The Undertakers may but only with the consent in writing of the owner of the soil of such street 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 the Order of 1873 and this Order.

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

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

- (a) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the



occasion of any renewal between the Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over :

A.D. 1913.

*Midsomer  
Norton.*

- (b) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (c) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers :
- (d) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building :
- (e) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (f) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

29. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Undertakers' limits of supply for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case fourteen

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

A.D. 1913. years from the making of the contract as may be agreed upon but  
 ——— nothing in this section shall authorise the Undertakers to lay any  
*Midsomer* mains or interfere with any street beyond their limits of supply.  
*Norton.*

Saving  
rights of  
Duchy of  
Cornwall.

30. Nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness the Prince of Wales in right of His Duchy of Cornwall or of the possessor of the Duchy of Cornwall for the time being.

Costs of  
Order.

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

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### SCHEDULES referred to in the foregoing Order.

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#### SCHEDULE A.

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##### GAS LANDS.

FIRSTLY.—A piece of land situate in the parish of Midsomer Norton in the county of Somerset belonging or reputed to belong to and in the occupation of the Undertakers containing by admeasurement 34 perches or thereabouts and forming the southern portion of the inclosure numbered 461 on the Ordnance map of the parish of Midsomer Norton (Scale 1/2500 2nd edition 1904) bounded on the north by a house (formerly the manager's house) and land of the Undertakers on the east by Primrose Lane otherwise Excelsior Terrace Road on the south by the field or inclosure numbered 615 on the said Ordnance map belonging or reputed to belong to and in the occupation of Charles William Seymour and on the west by a piece of land part of number 612 on the said Ordnance map belonging or reputed to belong to the Undertakers and in the occupation of R. Welch & Co. Limited.

SECONDLY.—A piece or parcel of land situate in the said parish of Midsomer Norton belonging or reputed to belong to and in the occupation of the Undertakers containing by admeasurement 8 perches or thereabouts and forming the north-western portion of the inclosure numbered 461 on the said Ordnance map bounded on the north-west by the inclosure numbered 451 on the said Ordnance map belonging or reputed to belong to the trustees of the late William Beachim Beauchamp and in the occupation of George Wilfred Murch Haydon on the east and south-east by the land and gasworks of the Undertakers on the south-west by the inclosure numbered 462 on the said Ordnance map belonging or reputed to belong to the Undertakers and in the occupation of Robert Forester Bennett.



THIRDLY.—The two pieces or parcels of land situate in the said parish of Midsomer Norton and being part of the inclosure numbered 462 on the said Ordnance map belonging or reputed to belong to the Undertakers and in the occupation of Robert Forester Bennett and part of the inclosure numbered 612 on the said Ordnance map belonging or reputed to belong to the Undertakers and in the occupation of R. Welch & Co. Limited containing by admeasurement 2 roods and  $26\frac{1}{2}$  perches or thereabouts bounded on the north by the said inclosure numbered 451 on the said Ordnance map on the north-east by the piece of land secondly hereinbefore described on the east and north by the land and gasworks of the Undertakers on the east by the said house (formerly the manager's house) and the piece of land firstly hereinbefore described on the south by a portion of the said inclosure numbered 612 on the said Ordnance map and on the west by the remainder of the said inclosures numbered 612 and 462 on the said Ordnance map.

A.D. 1913.

—  
*Midsomer  
Norton.*

### SCHEDULE B.

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

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

Sections 30 to  
34 of Gas-  
works Clauses  
Act 1847 to  
cease to be  
incorporated

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

Price of gas  
with sliding  
scale as to  
dividend.

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

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a



A.D. 1913.

*Midsomer  
Norton.*

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

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

Power to  
create a  
special pur-  
poses fund.

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

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

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

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



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

A.D. 1913.

*Midsomer  
Norton.*

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

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

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

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

Power to  
create a  
reserve fund  
and appli-  
cation there-  
of.

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

Saving of  
existing  
contracts.

A.D. 1913.

## REDDITCH GAS.

*Redditch.*

*Order empowering the Redditch Gas Company to construct further works for the manufacture and storage of gas and to raise additional Capital and for other purposes.*

Short and  
collective  
titles.

1. This Order may be cited as the Redditch Gas Order 1913 and the Redditch Gas Act 1899 (in this Order referred to as "the Act of 1899") and the Redditch Gas Order 1906 (in this Order referred to as "the Order of 1906") and this Order may be cited collectively as the Redditch Gas Act and Orders 1899 to 1913.

Commence-  
ment.

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

Incorporation of Acts.

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

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the company against the shareholders;

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

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by or are inconsistent with the Act of 1899 or this Order) and form part of this Order Provided that for the purposes of its incorporation with the Act of 1899 the Order of 1906 or this Order section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the



words "private building" and as if the words "Provided also that A.D. 1913.  
"every such contract entered into by the Undertakers shall be alike Redditch.  
"in terms and amount under like circumstances to all consumers"  
were added at the end of that section.

(2) For the purposes of such incorporation the term "special Act" in the said Acts shall mean this Order and the term "the company" shall mean the Undertakers.

4. In this Order the several words terms and expressions to Interpretation.  
which by any Act in whole or in part incorporated with this Order  
and by the Gas and Water Works Facilities Act 1870 meanings are  
assigned have the same respective meanings And in the construction  
of this Order or of any such Act for the purposes of this Order the  
expression "the undertaking" shall include the further works for the  
manufacture and storage of gas and works connected therewith by  
this Order authorised to be constructed.

#### *Undertakers.*

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

#### *Capital.*

6. In addition to the capital authorised to be raised by the Additional  
Undertakers by the Act of 1899 and the Order of 1906 (in this Order capital.  
referred to as "the existing capital") they may raise additional capital  
not exceeding in the whole fifty thousand pounds (in this Order referred  
to as "the new capital") by the creation and issue of new ordinary  
shares or stock or new preference shares or stock or wholly or partially  
by one or more of those modes respectively but the Undertakers shall  
not issue any share of less nominal value than ten pounds nor shall  
any such share or stock vest in the person accepting the same unless  
and until the full price of such share or 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 Undertakers to create and  
issue under the powers of this Order any greater nominal amount of  
share capital than will be sufficient to produce including any premium  
which may be obtained on the sale thereof the sum of fifty thousand  
pounds.

7. The Undertakers shall not have power to raise the money by As to conver-  
this Order authorised to be borrowed on mortgage or by the creation sion of  
and issue of debenture stock or any part thereof respectively by the borrowed  
creation of shares or stock instead of by borrowing or to convert money into  
into share capital any money borrowed under the provisions of this capital.  
Order.

A.D. 1913.

*Redditch.*

New shares  
or stock to  
be subject to  
same inci-  
dents as  
other shares  
or stock.

8. Except as by this Order otherwise provided the new capital created by the Undertakers under this Order and the shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the new capital were part of the existing capital of the Undertakers of the same class or description and the shares or stock were shares or stock in that capital The new capital shall form part of the capital of the Undertakers.

Dividend on  
new capital.

9. Every person who becomes entitled to shares or stock in the new capital shall in respect of the same be a holder of shares or stock in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on the shares or stock so held by him.

Restrictions  
as to votes  
in respect of  
preferential  
shares or  
stock.

10. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the new capital to which a preferential dividend shall be assigned nor be qualified in respect of such shares or stock to act as a director.

Dividends on  
different  
classes of  
ordinary  
capital to  
be paid pro-  
portionately.

11. In case in any half-year the net revenue of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or ordinary stock in the capital of the Undertakers a rateable reduction shall be made in the dividend of each class.

New capital  
to be sold  
by auction  
or tender.

12.--(1) All shares or stock forming part of the new capital shall be issued in accordance with the provisions of this section.

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

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

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



(c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds : A.D. 1913.  
*Redditch.*

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

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

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

(4) Any shares or stock which have been offered for sale in accordance with the provisions of subsection (2) or of subsections (2) and (3) and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

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

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

14. Except as expressly provided by this Order or by sections twenty-four and fifty-nine of the Act of 1899 which sections shall Limits of  
dividend on  
capital.



A.D. 1913. apply to the new capital the Undertakers shall not in any year declare  
*Redditch.* or make out of their profits any larger dividend on the new capital than the standard rate of dividend hereinafter mentioned namely five pounds in respect of every one hundred pounds of such capital.

Power to  
borrow.

15. The Undertakers may borrow on mortgage of the undertaking such sum or sums as together with the amounts which they are by the Act of 1899 and the Order of 1906 authorised to borrow shall not in the whole exceed one-third part of the amount of the capital by the said Act of 1899 and Order of 1906 and by this Order authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Interest on  
debenture  
stock.

16. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything contained therein or in the Act of 1899 or in the Order of 1906 the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Undertakers under any previous Act of Parliament or Order or this Order or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or Orders or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Limit of  
interest on  
money  
borrowed.

17. The Undertakers shall not without the consent of the Board of Trade pay interest at a higher rate than four pounds ten shillings per centum per annum in respect of any money borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Existing  
mortgages  
to have  
priority.

18. All mortgages granted by the Undertakers before the commencement of this Order under the authority of any Act of Parliament or Provisional Order confirmed by Parliament and subsisting at the date of such commencement shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over



all mortgages granted under the authority of this Order but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

A.D. 1913.

*Redditch.*

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

Priority of  
mortgages  
over other  
debts.

20. Section 22 of the Order of 1906 (For appointment of receiver) is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or any proceedings then pending and from and after such commencement the mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Appoint-  
ment of re-  
ceiver.

#### *Construction of Additional Gasworks.*

21. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order annexed while they are possessed of the same and in extension of the works constructed on the lands described in the schedule to the Act of 1899 and the schedule to the Order of 1906 construct maintain alter enlarge improve renew or discontinue gasworks and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may on the said lands manufacture and convert residual products resulting from the manufacture of gas and they may also construct and maintain and alter enlarge and renew or discontinue houses offices buildings and other works connected with the undertaking.

Undertakers  
may con-  
struct gas-  
works on  
lands de-  
scribed in  
schedule.

#### *Miscellaneous.*

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

Costs of  
Order.

A.D. 1913.

Redditch.

## SCHEDULE referred to in the foregoing Order.

## ADDITIONAL GAS LANDS.

A piece of freehold land adjoining the existing gasworks of the Undertakers recently agreed to be purchased by the Undertakers from the Right Honourable Robert George Earl of Plymouth situate in the parish and urban district of Redditch in the county of Worcester containing thirteen thousand eight hundred and forty-seven square yards or thereabouts bounded on the north by the road there called Windsor Road on the east in part by other lands of the Undertakers and in other part by the Evesham Redditch and Barnt Green Branch of the Midland Railway Company and on the west and south by other lands belonging or reputed to belong to the Earl of Plymouth.

## WEST STAFFORDSHIRE GAS.

*West  
Staffordshire.*

*Order authorising the maintenance and continuance of gasworks and the manufacture and supply of gas in the parishes of Brewood Lapley and Wheaton Aston Stretton Church Eaton Gnosall and Haughton and part of the parish of Blymhill all in the county of Stafford and for other purposes.*

*Preliminary.*

Short title.

1. This Order may be cited as the West Staffordshire Gas Order 1913.

Commence-  
ment of  
Order.

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

Incorporation of Acts.

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



Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

A.D. 1913.

*West  
Staffordshire.*

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

Interpreta-  
tion.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be—

Limits of  
Order.

The parishes of Brewood and Lapley and Wheaton Aston and the chapelry or parish of Stretton in the rural district of Cannock;

The parishes of Church Eaton and Gnosall in the rural district of Gnosall;

The parish of Haughton in the rural district of Stafford; and

So much of the parish of Blymhill in the rural district consisting of the parishes of Blymhill and Weston-under-Lizard (which rural district is administered with the rural district of Shifnal in the county of Salop) as lies to the east of a line extending from the point where the boundary of the rural district of Shifnal joins the Watling Street at Ivetsey Bank to a point where the said boundary cuts the west side of the road leading from Bishop's Wood to Ivetsey Bank aforesaid;

all in the county of Stafford.

6. If after the expiration of three years from the commencement of this Order the Undertakers have not laid down mains for the supply of gas in any parish aforesaid the local authority of that district or any company or person may apply for an Act of Parliament or Provisional Order for the purpose of providing such a supply and for the repeal of the powers of the Undertakers in that behalf.

On failure of  
Undertakers  
others may  
apply for  
powers.

A.D. 1913.

West  
Staffordshire.  
Undertakers.

*Undertakers.*

7. William Emery Pickering of Bank Passage Stafford (the present owner of the works known as the Brewood Gasworks and trading under the name of the Brewood Gas Company) his executors administrators and assigns or the company herein-after mentioned (as the case may require) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers" Provided always that none of the powers conferred by this Order shall be exercised unless and until the undertaking has been transferred to a company duly constituted under the Companies (Consolidation) Act 1908 and upon the transfer of the undertaking to such company that company shall be the Undertakers for the purposes and within the meaning of this Order but no such transfer shall have validity or effect until after the approval of the Board of Trade has been signified in writing to such assignment signed by a secretary or assistant secretary of the said Board.

*Capital.*

Capital.

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed twelve thousand pounds consisting of three thousand pounds share capital (in this Order referred to as "the original capital" and being the amount of the capital in the said company to be allotted to the said William Emery Pickering his executors administrators and assigns) and of the additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding nine thousand pounds including any premium which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Additional  
capital to be  
sold by auc-  
tion or  
tender.

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

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

(a) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case



may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply:

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- (b) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (c) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

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

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

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Application  
of money.

Limit of  
dividend on  
capital.

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

11. Except as by this Order expressly provided the Undertakers shall not in any year declare out of their profits any larger dividends on their capital than at the following rates (in this Order referred to as "the standard rates of dividend") namely:—

Ten pounds in respect of every one hundred pounds of the original capital;

Seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital; and

Six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

Dividends  
on different  
classes of  
ordinary  
shares or  
stock to be  
paid pro-  
portionately.

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

Limit of  
borrowing  
powers.

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

#### *Purchase of Lands.*

Power to  
purchase  
additional  
lands.

14. The Undertakers may for the purposes of the undertaking purchase take on lease or acquire (by agreement but not otherwise) and hold in addition to the lands described in the Schedule A to this Order annexed any lands which they may require. Provided that they shall not at any time hold for such purposes more than three acres of land in the whole in addition to the lands described in the said schedule and that they shall not create or permit a nuisance on any such lands



and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products except the lands described in the said schedule.

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Staffordshire.*

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

Power to  
erect cottages  
&c. for  
officers and  
servants.

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

16. The Undertakers may on the lands described in Schedule A. to this Order annexed so long as they are possessed of the same maintain and continue alter enlarge extend improve renew or discontinue the existing gasworks and works connected therewith and may construct alter enlarge extend improve renew or discontinue additional gasworks and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may make store and supply gas accordingly and may manufacture and convert residual products or refuse of any materials resulting from the manufacture of gas and on the said lands they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to  
continue  
existing gas-  
works on  
lands de-  
scribed in  
Schedule A.  
and to make  
and sell gas  
&c.

17. The following provisions for the protection of the county council of the administrative county of Stafford (in this section referred to as "the county council") shall have effect as regards all new works carried out by the Undertakers under the powers of this Order and as far as applicable as regards the alteration improvement enlargement extension renewal or reconstruction of existing works unless otherwise agreed between the Undertakers and the county council (that is to say):—

For pro-  
tection of  
Staffordshire  
County  
Council.

- (1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge shall so far as practicable be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road or any county or main road bridge be not less than seven clear days instead of three clear days:

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*West  
Staffordshire.*

- (3) The plan required by section 9 of the last-mentioned Act shall as regards any county or main road bridge be on a scale of not less than four feet to an inch and in respect of any main road or bridge approach on a scale of not less than  $\frac{1}{2500}$  and such plans shall be accompanied by sections to suitable scales to show clearly the proposed works and (subject as hereinafter provided and except in cases of leakage bursting and other emergency) shall be delivered to the county council or their surveyor by the Undertakers not less than in the case of a bridge fourteen days and in all other cases seven days before the Undertakers commence to open or break up any main road or interfere with any county or main road bridge or other property of the county council for the purpose of executing the works. Provided that where the plan relates to the laying down connecting or repairing of service pipes it shall be sufficient for the Undertakers to send the same to the council three clear days before commencing the work:
- (4) Nothing in this Order shall authorise the Undertakers to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor to the county council. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (5) Nothing in this Order shall interfere with the right of the county council to alter the level of or deviate drain widen reconstruct or improve in any reasonable manner any main road in or along which any mains pipes or works of the Undertakers shall have been laid and the Undertakers shall with all convenient speed on receiving ten days' notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in such manner and to such extent as may be reasonably prescribed by such notice or as in case of difference shall be determined by arbitration in the manner hereinafter prescribed and the county council shall not except in the case of their own negligence or default make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in carrying out such alteration of position if and so far as it may be reasonably necessary so to do in order to enable the county council to carry out the work or works as aforesaid or in order to avoid undue expense in carrying out the same. Provided that during the alteration deviation draining



widening reconstruction or improvement of such main road the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

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West  
Staffordshire.

- (6) Nothing in this Order shall interfere with the right of the county council at any time or times to remove alter widen raise or rebuild any county or main road bridge or the approaches thereto over near or attached to which any mains pipes or works of the Undertakers are carried in the same manner as they might have removed altered widened raised or rebuilt such bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been laid over or near or attached to such bridge and the county council shall not except in cases of their own negligence or default make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of any such alteration deviation or improvement and in the event of any such bridge or the approaches thereto over or near or attached to which any such mains pipes or works are laid being removed altered widened raised or rebuilt as aforesaid the Undertakers shall (if and so far as it may be reasonably necessary so to do in order to enable the county council to carry out the work or works aforesaid or in order to avoid undue expense in carrying out the same) at their own cost in all things alter the position of any works by which such mains pipes or works are carried over near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration widening raising or rebuilding of such bridge or the approaches thereto as aforesaid the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:
- (7) All works shall be so executed by the Undertakers as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Undertakers shall not break up at any one time a greater length than one hundred yards of any main road:

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*Staffordshire.*

- (8) The Undertakers shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road or of the road over any county or main road bridge or the approaches thereto in which the mains pipes or other works of the Undertakers are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration and renewal or repair of the said mains pipes or other works :
- (9) Where any mains pipes or other works of the Undertakers are to be laid or constructed beneath the surface of any main road or county or main road bridge the same shall if possible be laid down or constructed at such a depth that not less than two feet six inches shall intervene between the surface of such road or bridge and the upper surface of such mains pipes or works. Provided that if the Undertakers lay steel mains or pipes the depth to intervene between the surface of the road or bridge and the upper surface of such mains or pipes need not exceed two feet. Any difference as to the possibility of so laying or constructing any such mains pipes or works shall be determined by arbitration as hereinafter in this section provided :
- (10) If the Undertakers in the execution of any works in or affecting any such road or bridge as aforesaid shall cause any damage injury or disturbance to such road or bridge and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the county council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- (11) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance :
- (12) If any difference arises at any time between the county council and the Undertakers touching this section or



anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Undertakers or failing agreement to be appointed by the Board of Trade on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the arbitration.

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West  
*Staffordshire.*

18. The following provisions for the protection of the London and North Western Railway Company and the Shropshire Union Railways and Canal Company (hereinafter referred to as "the railway company" which expression means either or both of the said companies as the context may require) shall unless otherwise agreed be in force and have effect:—

For protection of London and North Western Railway Company and Shropshire Union Railways and Canal Company.

(1) In laying down or executing or in effecting repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways canals lands or property now or hereafter belonging to or used or occupied by the railway company the same shall be done except in cases of emergency under the superintendence (if given after three days' notice) and to the reasonable satisfaction of the principal engineer of the railway company and except in cases of emergency only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Undertakers who also shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers Provided that if the said principal engineer shall not approve or disapprove in writing of such plans within 21 days from the receipt of the same he shall be deemed to have approved thereof:

(2) All such works matters and things shall be constructed executed and done so as not to cause any injury to such railways canals bridges level crossings approaches lands or property or any interruption to the passage or conduct of traffic over such railways or canals or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Undertakers shall make

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Staffordshire.

compensation in respect thereof to the railway company  
Provided that the expressions bridges approaches lands and  
property in this subsection shall not be deemed to include  
the metalling or other material forming the roadway over  
any bridge or the approaches thereto as distinguished from  
the permanent structure of such bridge or approaches:

- (3) Any dispute or difference which may arise between the  
railway company and the Undertakers with reference to  
the provisions of this section or in any way arising there-  
out or as to any works to be carried out in pursuance  
thereof shall be settled by arbitration by an engineer or  
other fit person to be appointed by the Board of Trade on  
the application of the railway company and the Undertakers  
or either of them after notice in writing to the other and  
subject as aforesaid the provisions of the Arbitration Act  
1889 shall apply to such arbitration.

Differences  
with rail-  
way and  
other com-  
panies.

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

*Testing of Gas.*Testing  
place.

20. For the purposes of the Gasworks Clauses Act 1871 the  
prescribed testing place shall be a testing place which shall be  
provided by the Undertakers at their works within three months after  
beginning to supply gas under the authority of this Order.

Quality.

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

(2) For testing the illuminating power of the gas the burner to be  
used shall be that known as the Metropolitan Argand No. 2 the photo-  
meter shall be the bar photometer the standard light shall be that  
supplied by Harcourt's ten-candle pentane lamp and in making the  
test the burner shall be so used as to obtain from the gas when



burned at the rate aforesaid the greatest amount of light Provided A.D. 1913.  
that the Board of Trade may on the application of the Undertakers *West*  
or of any of the local authorities within the limits of supply approve *Staffordshire.*  
the use of any other burner photometer or standard light which may  
appear to the Board to be equally or more suitable for the testing.

(3) The Undertakers shall within three months after beginning to supply gas under the authority of this Order provide all the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

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

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

#### *Price of Gas.*

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

(2) Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing signed by a secretary or an assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and tenpence or by fixing a standard price with sliding scale as to profits and as from the date specified in such order (hereinafter referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such order made by the Board of Trade shall be published in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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*Miscellaneous.*

West  
Staffordshire.  
Undertakers  
to pay  
interest on  
deposit.

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

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

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

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

(3) All fittings let by the Undertakers for hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Undertakers shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of this section in respect of such fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Anti-fluctua-  
tors for gas  
engines.

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

(2) The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all



reasonable times such taking off removal testing inspecting and replacing to be done at the expense of the Undertakers if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

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Staffordshire.*

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

Gas consumers to give notice to Undertakers before removing.

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

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

Notice of discontinuance.

29. If a person requiring a supply of gas from the Undertakers for any premises occupies or has occupied other premises at which gas was supplied to him by the Undertakers and has not paid all gas and meter rent or other moneys due from him to the Undertakers they may refuse to furnish to him a supply of gas until he pays the same.

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

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

Period of error in defective meters.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas rents are recoverable by the Undertakers.

31. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by any circumstance

No penalty in case of unavoidable cause.

A.D. 1913. beyond the control of the Undertakers Provided that the want of  
 sufficient funds shall not be held to be a circumstance beyond the  
*West*  
*Staffordshire.* control of the Undertakers.

Power to  
 agree for  
 supply of gas  
 in bulk.

32. The Undertakers may take receive and contract for a supply  
 of gas in bulk from any local authority company or persons authorised  
 to supply gas under parliamentary powers in any district adjoining  
 the limits of supply but nothing in this section shall confer any  
 fresh powers upon or extend the existing powers of any such local  
 authority company or persons as aforesaid.

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

33. The Undertakers may but only with the consent in writing  
 of the owner of the soil of such street 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 Order.

Power to take  
 licences for  
 use of patents.

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

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

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

Costs of  
 Order.

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



## SCHEDULES referred to in the foregoing Order.

A.D. 1913.

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SCHEDULE A.

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*West  
Staffordshire.*

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GAS LANDS.

A piece of land containing 2,110 square yards or thereabouts in the occupation of the Undertakers and upon which existing gasworks are situate bounded on or towards the north-westerly and south-easterly sides by lands belonging or reputed to belong to Edward Haynes on or towards the north-easterly side by land belonging to the proprietors of the Birmingham and Liverpool Junction Canal (now called the Shropshire Union Canal) used as a wharf and on or towards the south-westerly side by a road leading out of the road leading from Brewood to the said wharf to land belonging or reputed to belong to the said Edward Haynes.

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SCHEDULE B.

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

- (1) Sections 30 to 34 (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section 35 of the said Act shall be read and construed as though the words from “in case the whole” down to “have been paid” all inclusive had been omitted therefrom and as though the expression “the prescribed rate” included the authorised rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the special purposes fund:
- (2) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such order of the Board of Trade as aforesaid per thousand cubic feet:

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

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

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

- (3)—(i) The directors of the Undertakers may if they think fit in any year appropriate out of the revenue of the Undertakers as part of the expenditure on revenue account any sum not exceeding an amount equal to one per centum of the paid-up capital of the Undertakers including premiums to a fund to be called “the special purposes fund”;
- (ii) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—
- (a) expenses incurred by reason of accidents strikes or circumstances which due care and management could not have prevented; or



(b) expenses incurred in the replacement or removal of plant or works other than expenses requisite for maintenance and renewal of plant and works ;

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- (iii) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Undertakers including premiums ;
- (iv) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital is properly applicable or may be used partly in the one way or partly in the other ;
- (v) Resort may from time to time be had to the special purposes fund notwithstanding that the sum standing to the credit of the fund is for the time being less than the maximum allowed by this section :
- (4) If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the dividend on the preference capital and the dividend at the authorised rates on the ordinary capital of the Undertakers the excess shall be carried to the credit of the divisible profits of such undertaking for the next following year :

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

- (5) Where in any year the dividends on the ordinary capital of the Undertakers exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the divisible profits of the Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit by way of reserve fund and all sums (if any) so set apart by the Undertakers and any reserve or other fund of a similar character of the Undertakers existing at the specified date in relation to the undertaking may be invested in securities in which trustees are for the time being authorised by law to invest money 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

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called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on the ordinary capital of the Undertakers and save as by this schedule specially provided no sums shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund:

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

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