

**CHAPTER cxxvi.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Faversham Gas Hawkhurst Gas Peniston Thurlstone and Oxspring Gas and Wey Valley Water. 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 and Water Orders Confirmation (No. 2) 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.

A.D. 1913.  

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S C H E D U L E.LIST OF ORDERS.

FAVERSHAM GAS.—Order extending the limits of supply of the Faversham Gas Company and empowering that Company to use additional lands for the manufacture and storage of gas and residual products and for other purposes.

HAWKHURST GAS.—Order empowering the Hawkhurst Gas Company Limited to construct and maintain additional works for the manufacture and storage of gas to raise additional capital and for other purposes.

PENISTON THURLSTONE AND OXSPRING GAS.—Order empowering the Peniston Thurlstone and Oxspring Gas Company to extend their limits of supply to raise additional capital and for other purposes.

WEY VALLEY WATER.—Order empowering the Wey Valley Water Company to construct new works to raise additional capital and for other purposes.

## FAVERSHAM GAS.

A.D. 1913.

*Order extending the limits of supply of the Faversham Gas Company and empowering that Company to use additional lands for the manufacture and storage of gas and residual products and for other purposes.*

*Faversham.**Preliminary.*

1. This Order may be cited as the Faversham Gas Order 1913 and the Faversham Gas Act 1889 (in this Order referred to as "the Act of 1889") and the Faversham Gas Act 1903 (in this Order referred to as "the Act of 1903") and this Order may be cited collectively as the Faversham Gas Acts and Order 1889 to 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 or are inconsistent with 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.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction. And 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 including the gasworks and works connected therewith authorised and extended by the Act of 1889 the Act of 1903 and this Order.

Interpreta-  
tion.*Undertakers.*

5. The Faversham Gas Company incorporated by the Act of 1889 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1913.

*Extension of Limits.**Faversham.*Extension of  
limits of  
supply.

6. The limits of supply of the Undertakers are hereby extended so as to include the parishes of Buckland Stone Norton Doddington Newnham Eastling Throwley Leaveland Badlesmere Goodnestone Boughton-under-Blean Dunkirk Hernhill and Stalisfield all in the county of Kent (in this Order collectively referred to as "the additional limits of supply") and the Undertakers shall have and may exercise within the additional limits of supply all and the like powers privileges and authorities and shall save as hereinafter provided be subject to all and the like duties liabilities and obligations in respect thereof as they now have may exercise and are subject to within the authorised limits of supply of the Undertakers.

Failure of  
Undertakers  
to supply.

7. If after the expiration of five years from the commencement of this Order the Undertakers have not laid down mains for the supply of gas in any of the parishes referred to in section 6 (Extension of limits of supply) of this Order and the local authority of such parish or any company or person shall be prepared or willing to supply gas within that parish then the parish council or parish meeting of such parish may give to the Undertakers notice in writing stating that a supply of gas is required for that parish and that such local authority or a company or person to be named in such notice as the case may be is prepared or willing to provide a supply therefor and if the Undertakers shall fail within twelve calendar months from the date of the giving of such notice to lay down mains for the supply of gas in such parish the right of the Undertakers to have and exercise the powers privileges and authorities mentioned and referred to in the said section 6 (Extension of limits of supply) shall in respect of that parish cease and determine.

*Purchase of Undertaking of Boughton Blean Gas and Coke Company Limited.*Confirming  
purchase of  
Boughton  
Blean Gas  
Company's  
Undertaking.

8. The purchase by the Undertakers of the property and undertaking of the Boughton Blean Gas and Coke Company Limited (hereinafter referred to as "the Boughton Company") upon the terms of an agreement dated the twentieth day of February one thousand nine hundred and thirteen and made between the Boughton Company of the one part and the Undertakers of the other part is hereby confirmed and as from the fourteenth day after the commencement of this Order the property and undertaking of the Boughton Company shall be deemed to have vested in and to have become part of the undertaking of the Undertakers for all the purposes of the Faversham Gas Acts 1889 and 1903 and this Order and the provisions of those Acts and this Order shall apply and be construed accordingly Provided that for a period of twelve months from the quarter day

next following the commencement of this Order the Undertakers may charge for gas supplied by them within the parishes of Boughton-under-Blean Dunkirk and Hernhill the same price as that now charged by the Boughton Company for gas supplied by them.

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Faversham.

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

9. 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 alter enlarge extend improve renew or discontinue the existing gasworks and works connected therewith and may 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 make store and supply gas accordingly and may manufacture and convert residual products 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  
gasworks on  
lands de-  
scribed in  
schedule and  
to make and  
sell gas &c.

*Purchase of Additional Lands.*

10. The Undertakers may for the purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold in addition to the lands described in the schedules to the Acts of 1889 and 1903 and the schedule to this Order any lands not exceeding in the whole five acres which they may require Provided 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 schedules to the Acts of 1889 and 1903 and the schedule to this Order.

Power to  
purchase  
additional  
lands by  
agreement.

*Testing of Gas.*

11. Sections 62 and 65 of the Act of 1889 and so much of section 7 (1) of the Act of 1903 as relates to the making of tests of the illuminating power of the gas are hereby repealed and in lieu thereof the following provisions shall be in force and have effect:—

- (1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided by the Undertakers at their works:

Testing  
place.

A.D. 1913.

*Faversham.*Testing  
quality.

(2)—(i) 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 :

(ii) 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 :

(iii) 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 :

Pressure of  
gas.

(3)—(i) 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 :

(ii) 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.

#### *Special Purposes Fund.*

Power to  
create a  
special  
purposes  
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 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—

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

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

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

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

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

(6) The money or securities standing to the credit of the insurance fund of the Undertakers at the commencement of this Order shall be credited to the special purposes fund and section 32 of the Act of 1889 authorising the formation of an insurance fund is hereby repealed.

#### *Miscellaneous.*

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

Charges 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

A.D. 1913. 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.  
*Faversham.*

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

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

Period of  
error in  
defective  
meters.

14. 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.

Notice to  
discontinue  
supply of  
gas.

15. A notice to the Undertakers from a consumer for discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and 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.

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

16. 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 Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

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

17. 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 Act of 1889 the Act of 1903 and this Order.

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18. 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.

Power to  
require use of  
anti-fluctua-  
tors for gas  
engines.

19. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Undertakers unless he shall have agreed to pay the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum to be 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.

20. Where any person shall at any time after the commencement of this Order demand a supply of gas to be laid on by the Undertakers to any premises for which he shall have at the same time a supply of electricity the Undertakers shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum sum as shall be fixed by them not exceeding twenty-five shillings for any one quarter of the year notwithstanding that the ordinary charge for the gas actually consumed in such quarter would amount to a lower sum. Provided always that in fixing the amount of such minimum charge the Undertakers shall have regard to the probable maximum supply of gas which might at any time be required for such premises. Provided also that in respect of any premises for which the whole supply of gas afforded by the Undertakers is taken through a meter having a nominal capacity of less than ten lights the amount of the minimum charge shall not exceed five shillings for any one quarter of a year.

Minimum  
charge for  
gas laid on to  
premises  
having sup-  
ply of  
electricity.

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*Faversham.*Exemption  
from penal-  
ties in certain  
cases.

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

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

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

Power to  
enter pre-  
mises and  
remove  
fittings.

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

Application  
of capital.

24. The Undertakers may apply any capital raised under the powers of the Act of 1889 and the Act of 1903 for any of the purposes of this Order being purposes to which capital is properly applicable and the payment by the Undertakers of the sum of two thousand three hundred and five pounds fourteen shillings and tenpence for the purchase of the Boughton Company's undertaking is hereby declared and shall be deemed to have been a proper application of capital within the meaning of this section.

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

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

For protec-  
tion of Kent  
County  
Council.

26. In executing the works and exercising the powers authorised by this Order so far as they affect any existing main road (hereinafter in this section referred to as "any main road") or any county or main road bridge (which expression shall in this section include the road over such bridge and the approaches thereto and any culvert) in the county of Kent the following provisions for the county council of the administrative county of Kent (in this section referred to as "the

county council") shall unless otherwise agreed in writing apply and have effect (that is to say):—

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- (1) All mains pipes and works of the Undertakers to be laid in or along any main road or in or upon or across any county or main road bridge shall be laid in such position in or at the side thereof and at such depth not exceeding 2 feet 6 inches as the county council in writing under the hand of their surveyor (hereinafter in this section referred to as "the county surveyor") may direct :
- (2) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall be seven days instead of three days :
- (3) Except in cases of emergency and except when the works consist of service pipes the plan required by section 9 of the said Act shall be accompanied by a section and description of the proposed works and shall be delivered to the county council or the county surveyor by the Undertakers not less than fourteen days before the Undertakers commence to interfere with any county or main road bridge or open or break up any main road for the purpose of executing the works and any difference as to any such plan description or section or as to the temporary or other works referred to in the said section 9 shall be determined by arbitration under this section instead of in the manner prescribed by the said section 9 :
- (4) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes and works of the Undertakers shall not be placed on the metalled portion of any main road or in or upon any county or main road bridge except subject to such conditions and directions as the county surveyor may reasonably require or give :
- (5) All surplus paving metalling or materials removed during the laying of the mains pipes or works on any main road or in upon or across any county or main road bridge and not required by the Undertakers for the purpose of reinstating and making good the said road or bridge may be used by the county council for the maintenance and repair of any main or other road in the county :
- (6) If the Undertakers in the execution of any works in or affecting any main road or county or main road bridge shall cause any damage injury or disturbance thereto and shall neglect

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Faversham.

or refuse to make good all such damage injury or disturbance to the reasonable satisfaction of the county council then it shall be lawful for the county council after reasonable notice to the Undertakers of the alleged neglect or refusal and of the works they propose to execute to do all works 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 expense of superintendence :

- (7) 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 county council or the county surveyor which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or the county surveyor may reasonably determine :
- (8) Nothing in this Order contained shall prejudice or affect the right of the county council at any time or times to divert widen alter the levels of or otherwise alter and improve any main road and to remove alter rebuild widen or repair any county or main road bridge in under over or attached to which any mains pipes or works of the Undertakers are carried in the same manner as the county council might have diverted improved or removed altered rebuilt widened or repaired any such main road or county or main road bridge if this Order had not been granted and such mains pipes and works had not been constructed or laid in under over or attached to such main road or bridge respectively and the county council shall not make any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such diversion improvement removal alteration rebuilding widening or reparation And in the event of any such main road or bridge in under over or attached to which any such mains pipes or other works are laid being diverted improved removed altered rebuilt widened or repaired as aforesaid in such manner as to require the removal or alteration of any such mains pipes or works the Undertakers shall at their own cost in all things as and when requested by the county council remove or alter the position of the said mains pipes and works and the works by which the same are carried in under over or attached to any such main road or bridge as aforesaid and replace the same

to the satisfaction of the county council Provided that during any such diversion improvement removal alteration rebuilding widening or reparation of such main road or bridge as aforesaid the county council shall afford to the Undertakers all reasonable facilities for temporarily carrying such mains pipes and works along the main road or across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes and the Undertakers may carry such mains and pipes accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities:

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*Faversham.*

- (9) All works of the Undertakers so far as they affect any main roads or county or main road bridges shall be so executed by the Undertakers, as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge and the Undertakers shall not open or break up at any one time a greater length than one hundred yards of any main road:
- (10) 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 bridge 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 renewal or repair of the said mains pipes and other works:
- (11) If any difference at any time arises between the county council and the Undertakers touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

27. If any difference arise between the Undertakers and any road authority or railway or other company whose lands or works the Undertakers have power to cross or otherwise interfere with 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

Differences  
with road  
authority or  
railway or  
other com-  
pany.

A.D. 1913. same such difference shall unless otherwise provided by this Order  
*Faversham.* be settled by an engineer or other fit person to be appointed by the  
Board of Trade at the request of either party.

Costs of  
Order.

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

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SCHEDULE referred to in the foregoing Order.

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GAS LANDS.

(A) A piece of land belonging or reputed to belong to the Under-  
takers situate in the parish of Faversham in the county of Kent  
containing three roods fourteen poles or thereabouts and bounded on  
or towards the north by lands belonging to and in the occupation of  
the Undertakers on or towards the west by lands belonging or reputed  
to belong to the representatives of Percy Beale Neame deceased on or  
towards the south by West Street and on or towards the east in part  
by lands belonging or reputed to belong to James Jordan and in other  
part by lands belonging or reputed to belong to F. Elgar and Son.

(B) A piece of land belonging or reputed to belong to the  
Undertakers situate in the said parish of Faversham containing four  
hundred and eighty-five square feet or thereabouts and bounded on  
the north by lands belonging or reputed to belong to Mrs. Ellen  
Elizabeth Rose and leased to Curtis's and Harvey Limited on the  
west-south-west and south partly by Flood Lane and partly by the  
passage way leading to the Castle Inn in West Street and on the  
east by lands belonging to and in the occupation of the Undertakers.

(c) A piece of land belonging or reputed to belong to the Boughton  
Company situate in the parish of Boughton-under-Blean in the county  
of Kent containing one rood four poles or thereabouts and bounded  
on the north-east in part by lands belonging or reputed to belong  
to Edward Southee in other part by a private roadway leading into  
Boughton Street and in other part by lands belonging or reputed to  
belong to William Judges on the north-west by lands belonging or  
reputed to belong to the Reverend William Worthington Judges on  
the south by the stream dividing the said piece of land from lands  
belonging or reputed to belong to the representatives of Thomas  
Parton deceased and on the south-east by lands belonging or reputed  
to belong to the said William Judges.

## HAWKHURST GAS.

A.D. 1913.

*Order empowering the Hawkhurst Gas Company Limited  
to construct and maintain additional works for the manufacture  
and storage of gas to raise additional capital and for  
other purposes.*

Hawkhurst.

*Preliminary.*

1. This Order may be cited as the Hawkhurst Gas Order 1913 and the Hawkhurst Gas Order 1871 (in this Order referred to as "the Order of 1871") and this Order may be cited together as the Hawkhurst Gas Orders 1871 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 (except where the same are expressly varied by the Order of 1871 or this Order) incorporated with 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.

4. The several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings unless there be something in the subject or context repugnant to such construction And 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 and the expression "the limits of supply" shall have the same meaning as in the Order of 1871.

Interpreta-  
tion.*Undertakers.*

5. The Hawkhurst Gas 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. *Maintenance and continuance of Gasworks Manufacture and Sale of*  
*Hawkhurst.* *Gas and Residual Products.*

Construction  
of additional  
gasworks on  
lands de-  
scribed in  
schedule.

6. The Undertakers may upon the lands described in the schedule to this Order annexed 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 renew or discontinue on the said lands houses offices buildings and other works connected with the undertaking.

#### *Testing and Pressure.*

Testing  
place.

7. 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 the commencement of this Order.

Testing  
quality.

8.—(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 subject to the provisions of this Order 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 after 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) So much of section 23 (Test meter to be erected) as relates to apparatus for testing (including Schedule B) and section 26 of the Order of 1871 are hereby repealed.

A.D. 1913.

*Hawkhurst.*

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

Pressure of  
gas.

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

10. 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.

Saving as to  
penalties.*Capital.*

11. Notwithstanding any limitation prescribed by the Order of 1871 with respect to the amount thereof the share capital of the Undertakers may consist of the sums of five thousand five hundred pounds ordinary share capital (hereinafter referred to as "the original capital") to be issued as in the next succeeding section is provided and of additional capital (hereinafter called "the additional capital") to be issued subject to the provisions of this Order not exceeding six 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 eleven thousand five hundred 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.

Capital.

12. The shares in the original capital shall be issued as fully paid up in exchange for the shares in the existing capital of two thousand pounds created and issued subject to the provisions of the Order of 1871 and shall be divided among and vested in the several persons who immediately before the commencement of this Order were the registered members of the Undertakers in proportion to

Vesting of  
shares in  
original  
capital in  
present  
shareholders.

A.D. 1913. *Hawkhurst.* their respective holdings in the undertaking and every share so vested shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and encumbrances as immediately before the commencement of this Order affected the share or shares of such persons in the said existing capital of the Undertakers and so as to give effect to and not revoke any deed or other instrument or any testamentary disposition of or affecting the same Provided always that the issue and exchange aforesaid shall operate to extinguish any right or claim in respect of the existing capital of two thousand pounds which might have existed at the date of such issue and exchange to make up the deficiency of any previous dividends which may have fallen short of the rate of ten per centum per annum.

Additional  
capital to  
be sold by  
auction or  
tender.

13.—(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 Cranbrook Rural District Council and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of supply :
- (B) A reserve price shall be fixed and notice thereof shall be sent by the directors of the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be :
- (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 disposed of by the directors at a price not less than the reserve price put upon the same for the purpose of sale by auction or tender or 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 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.

A.D. 1913.

*Hawkhurst.*

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

(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.

14. 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 in the additional capital under the provisions of this Order shall not be considered as part of the capital of the Undertakers entitled to dividend.

Application  
of premium  
arising on  
sale of shares  
or stock.

15. The Undertakers shall not in any year declare or make out of their profits any larger dividends on the original capital than five pounds in respect of every one hundred pounds of such capital and on the additional capital by this Order authorised to be raised than five pounds in respect of every one hundred pounds actually paid up of such capital.

Limits of  
dividend.

16. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the prescribed rates on each class of ordinary shares or

Dividends on  
different  
classes of  
shares or  
stock to be  
paid rateably.

A.D. 1913. stock in the capital of the Undertakers a proportionate reduction shall  
 ——— be made in the dividend of each such class.  
*Hawkhurst.*

Limit of  
borrowing  
powers.

17. The borrowing of the sum of one thousand pounds already borrowed by the Undertakers is hereby confirmed and subject to such confirmation 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 (inclusive of the said sum of one thousand pounds) one-third 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.

*Price of Gas.*

Fixing  
maximum  
price of gas.

18. As from the commencement of this Order section 11 of the Order of 1871 shall be repealed and in lieu thereof the following provisions shall be in force and have effect The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so on in proportion for any less quantity supplied.

*Miscellaneous.*

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

19. 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 1871 and this Order.

Application  
of capital.

20. The Undertakers may apply any capital raised under the powers of the Order of 1871 and this Order for any of the purposes of this Order being purposes to which capital is properly applicable.

Costs of  
Order.

21. 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.

SCHEDULE referred to in the foregoing Order.

A.D. 1913.

Hawkhurst.

## GAS LANDS.

A piece or parcel of land belonging or reputed to belong to the Undertakers containing two roods and two perches or thereabouts situate in the parish of Hawkhurst in the county of Kent bounded on the north or north-west by land belonging or reputed to belong to William Santer on the south or south-east by the high road leading from Highgate to Hurst Green and known as Talbot Road on the east or north-east by land belonging or reputed to belong to the Undertakers and on the west or south-west by land belonging or reputed to belong to William Santer.

## PENISTON THURLSTONE AND OXSPRING GAS.

*Order empowering the Peniston Thurlstone and Oxspring Gas Company to extend their limits of supply to raise additional capital and for other purposes.*

*Peniston  
Thurlstone  
and Oxspring.*

1. This Order may be cited as the Penistone and District Gas Order 1913 and the Peniston Thurlstone and Oxspring Gas Act 1858 (in this Order referred to as "the Act of 1858") and this Order may be cited together as the Penistone and District Gas Act and Order 1858 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.

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

Incorpora-  
tion of Acts.

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;

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*Peniston*  
*Thurlstone*  
*and Oxspring.*

The making of dividends ;

The giving of notices ; and

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

and Part I. (relating to the cancellation and surrender of shares)  
Part II. (relating to additional capital) Part III. (relating to debenture  
stock) and Part IV. (relating to change of name) of the Companies  
Clauses Act 1863 as amended by subsequent Acts the Gasworks  
Clauses Act 1847 the Gasworks Clauses Act 1871 and the Lands  
Clauses Acts (except the provisions thereof with respect to the purchase  
and taking of lands otherwise than by agreement) are hereby incorporated  
with this Order and form part of this Order :

Provided that section 13 of the Gasworks Clauses Act 1847 for  
the purposes of its incorporation with the Act of 1858 and this Order  
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 Provided also that for the  
purpose of such incorporation section 35 of the said Gasworks Clauses  
Act 1847 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 rates of dividend as authorised by this Order together  
with any sum which under the provisions of this Order might lawfully  
be carried to the special purposes fund.

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

Interpreta-  
tion.

4. 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 in this  
Order the same respective meanings unless there be something in the  
subject or context repugnant to such construction And in the construc-  
tion of this Order or of any such Act for the purposes of this Order  
the expression "the undertaking" shall mean the undertaking authorised  
by the Act of 1858 as amended by this Order 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.

*Change of Name.*Change of  
name.

5. As from the commencement of this Order and subject to and  
in accordance with the provisions of Part IV. of the Companies

Clauses Act 1863 the name of the Undertakers shall be "the Penistone and District Gas Company" Provided that all transfers or other dispositions of shares or of any mortgage security made after the commencement of this Order if made in the name of the Peniston Thurlstone and Oxspring Gas Company shall be as valid as if made in the name of the Penistone and District Gas Company and any bequest or any covenant or provision of any deed or agreement relating to shares or any mortgage in the said name of Peniston Thurlstone and Oxspring Gas Company shall be held to apply to shares or mortgages of the Penistone and District Gas Company.

A.D. 1913.

*Peniston  
Thurlstone  
and Oxspring.**Undertakers.*

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

*Definition and Extension of Limits.*

7. The limits within which the Undertakers may supply gas and shall have and may exercise the powers privileges and authorities and shall be subject to the duties and obligations in relation thereto of the Act of 1858 as amended by this Order (in this Order referred to as "the limits of supply") shall be the townships of Penistone Thurlstone Oxspring and Thurgoland and such part of the township or urban district of Hoylandswaine as lies to the south-west of the Huddersfield and Penistone branch of the Lancashire and Yorkshire Railway and such part of the parish of Hunshelf as lies to the north-east of the main line of the Great Central Railway from Sheffield to Manchester all in the west riding of the county of York.

Definition  
and extension  
of limits of  
supply.

8. If after the expiration of four years after the commencement of this Order the Undertakers shall not have laid down mains for the supply of gas in the parish or township of Thurgoland the local authority of that parish 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 a repeal of the powers of the Undertakers in that behalf.

Cesser of  
powers as to  
Thurgoland  
in certain  
events.*Additional Capital.*

9. In addition to the capital authorised by the Act of 1858 (in this Order referred to as "the existing capital") the Undertakers may—

Additional  
capital.

- (1) Raise additional capital not exceeding in the whole six thousand five hundred pounds (in this Order referred to as "the additional capital") by the creation and issue of

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*Peniston  
Thurlstone  
and Oaspring.*

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 a less nominal value than twenty pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained on the sale thereof as hereinafter provided has 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 six thousand five hundred pounds:

- (2) Borrow on mortgage of the undertaking such further sum as together with the amount already borrowed by the Undertakers under the powers of the Act of 1858 shall not exceed in the whole one-third part of the amount of the existing capital and of the additional capital 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 Undertakers have proved to a justice of the peace before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof have been 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.

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

10. Except as by this Order otherwise provided the additional capital and new 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 additional capital were part of the capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital.

Additional  
capital to be  
sold by  
auction or  
tender.

11.—(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 determine Provided A.D. 1913.  
as follows:—

*Peniston  
Thurlstone  
and Oaxspring.*

- (A) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply of the Undertakers and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits:
- (B) A reserve price shall be fixed by the directors of the Undertakers and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (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 accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of 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.

A.D. 1913.

*Peniston  
Thurlstone  
and Oxspring.*

(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.

Limit of  
dividend on  
additional  
capital.

12. Except as by this Order otherwise expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividend on the additional capital than seven pounds in respect of every one hundred pounds actually paid up of so much thereof 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.

Application  
of money.

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 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. Provided that all such sums shall be deemed to be part of the paid up or nominal capital of the Undertakers for the purpose of determining the amount which the Undertakers may borrow under this Order and the amount which the Undertakers may invest to form a special purposes fund.

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

14. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly 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 a proportionate reduction shall be made in the dividends payable on each class.

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

15. 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 additional capital to which a preferential dividend shall be assigned nor be qualified in respect of such shares or stock to act as a director.

As to con-  
version of  
borrowed  
money into  
capital.

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

Priority of  
principal  
moneys  
secured by  
existing  
mortgages.

17. The principal moneys secured by all mortgages granted by the Undertakers in pursuance of the powers of the Act of 1858 before the commencement of this Order and subsisting at the date of such commencement shall during the continuance of such mortgages

and subject to the provisions of that Act have priority over the principal moneys secured by any mortgages granted by virtue of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

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*Peniston*  
*Thurlstone*  
*and Oaspring.*

18. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Order created and issued or granted by the Undertakers under the Act of 1858 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.

Debenture  
stock.

19. All money raised or to be raised by the Undertakers on mortgage or debenture stock under the provisions of the Act of 1858 or 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 which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

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

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

Power to  
create a  
special pur-  
poses fund.

(2) The special purposes fund shall be applicable only to meet such charges as a chartered accountant or incorporated accountant

A.D. 1913. being the auditor of the Undertakers or appointed for the purpose by the Board of Trade shall approve as being—

*Peniston*  
*Thurlstone*  
*and Oaspring.*

(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.

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

21. 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 any 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 standing to the credit of such divisible profits shall not at any time exceed the amount required to pay one year's dividend at the authorised rates.

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

22. Where in any year the dividend of the Undertakers on the ordinary 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 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 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 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 in this Order provided no sum shall in any year be carried by the Undertakers to any reserve fund.

A.D. 1913.

*Peniston  
Thurlstone  
and Oaspring.*

23. Section 8 of the Act of 1858 is hereby repealed and from and after the commencement of this Order the mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall be not less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage.

For appoint-  
ment of  
receiver.

24. As from the commencement of this Order the ordinary general meetings of the Undertakers shall be held in the month of February in every year and all meetings whether ordinary or extraordinary shall be held at such place or places as the directors of the Undertakers shall appoint.

Meetings of  
company.

25. The directors may in any year without calling a meeting of shareholders or stockholders for the purpose declare an interim half-yearly dividend out of the then ascertained profits of the Undertakers Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any half-year one-half of the standard rate of dividend.

Interim  
dividends.*Lands.*

26. 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 by the Act of 1858 authorised to hold any lands and hereditaments not exceeding in the whole three acres which they may require for the purposes of their works and undertaking Provided that the Undertakers shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purposes of manufacturing gas or residual products except the lands described in the Act of 1858.

Power to  
purchase  
additional  
lands.

27. 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.

A.D. 1913.

*Price of Gas.*

*Peniston  
Thurlstone  
and Oxspring.*  
Price of gas  
with sliding  
scale as to  
dividend.

28. As from the first quarter-day after the commencement of this Order section 19 (Rates for supply of gas) of the Act of 1858 shall be repealed and the following provision shall be in force and have effect (that is to say):—

The standard price to be charged by the Undertakers for gas supplied by them shall be three shillings and sixpence per thousand cubic feet:

Provided that the Undertakers may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the 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 standard price shall have been increased be reduced below the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such 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 shall have been reduced be increased above the standard rate of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of such capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

*Testing and Pressure.*

Testing for  
quality.

29.—(1) As from the first quarter-day after the commencement of this Order sections 30 31 32 and 33 of the Act of 1858 shall be repealed and in lieu thereof the following provisions shall be in force and have effect (that is to say):—

(A) 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:

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*Peniston*  
*Thurlstone*  
*and Oaspring.*

- (B) 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:

- (c) The Undertakers shall before the first quarter-day after 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.

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

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

(3) 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 before the first quarter-day after the commencement of this Order. Testing place.

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

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*Miscellaneous.*

*Peniston  
Thurlstone  
and Oxspring.*  
As to appoint-  
ment of  
managing  
director.

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

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

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

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

Charge for  
gas supplied  
by means of  
prepayment  
meters.

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

(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 such 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.

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

(5) For the purposes 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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*Peniston  
Thurlstone  
and Oxspring.*

33.—(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 or rents and charges and make such terms and conditions as may be agreed upon.

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

(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.

(3) All such fittings let 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.

(4) The Undertakers shall only be entitled to the privileges and exemptions conferred by this section in respect of such fittings as shall be marked or impressed with a sufficient mark or brand indicating the Undertakers as the actual owners thereof.

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

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

(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:

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Thurlstone  
and Oxspring.*

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid 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.

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

35. 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 Act of 1858 and this Order.

Power to lay  
down and  
utilise pipes  
for ancillary  
purposes.

36. The Undertakers may having first obtained the consent in writing of the local authority of the district lay down place repair alter remove and renew mains pipes and culverts in any street within the limits of supply for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their business and the provisions of the

Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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*Peniston  
Thurlstone  
and Oxspring.*

37. 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 repair and in default of his so using or keeping such anti-fluctuator in proper repair the Undertakers may cease to supply gas to such consumer. 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 removing 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.

Anti-  
fluctuators  
for gas  
engines.

38. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or to continue to receive from the Undertakers a stand-by supply of gas for any premises for purposes for which he has at the same time a supply of gas from an installation other than that of the Undertakers or a supply of electricity unless he shall have agreed to pay to the Undertakers such minimum annual sum as will give to them a reasonable return on the capital expenditure and other standing charges incurred by them in order to meet the possible maximum demand for those premises and the 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 con-  
sumer has  
separate  
supply.

39. 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.

Power to  
take licences  
for use of  
patents.

40. 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

Period of  
error in  
defective  
meters.

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Thurlstone  
and Oxspring.*

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.

Gas consum-  
ers to give  
notice to  
Undertakers  
before re-  
moving.

41. 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. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Undertakers.

Notice of  
discontinu-  
ance.

42. 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  
refuse to  
supply per-  
sons in debt  
for other  
property.

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

Power to  
contract for  
sale of gas in  
bulk.

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

For protec-  
tion of West  
Riding  
County  
Council.

45. In executing the works and exercising the powers by this Order authorised so far as they affect main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Undertakers (that is to say):—

- (1) All mains pipes or works to be laid in or along any main road shall so far as is reasonably practicable be constructed

and laid in such position at the side thereof as the county council shall by writing under the hand of their surveyor direct. Provided that this subsection shall not apply to service pipes or to renewals of any mains pipes or works in existence at the commencement of this Order:

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*Thurlstone*  
*and Oxspring.*

- (2) 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 said surveyor. Such consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine:
- (3) All works to be constructed or laid in along or across or in any way affecting any main road or county or main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence if the same be given and to the reasonable satisfaction of the said surveyor and (except in the case of emergency and of the laying of service pipes) in accordance with plans and sections to be submitted to and reasonably approved of by him in writing before the commencement of any such work. Provided that if the said surveyor shall not within twenty-one days after the said plans and sections shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:
- (4) The works shall be so executed as not in any way to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch:
- (5) Nothing in this Order contained shall interfere with the right of the county council at any time or times to divert widen or improve any such main road or to remove alter widen or renew any such county or main road bridge or the approaches thereto in alongside or near to which any such mains pipes or works are carried in the same manner as they might have diverted widened or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been made and such mains pipes or works had not been constructed or laid in over alongside or near to such main road or bridge respectively without making any compensation to the Undertakers for any expense or loss to which they may be put in consequence of such diversion widening improvement removal alteration or renewal and in the

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event of any such main road or bridge or the approaches thereto being diverted widened or improved removed altered or renewed as aforesaid so as to involve interference with any main pipe or work of the Undertakers the Undertakers shall within such reasonable time as the said surveyor may prescribe remove or alter the position of such main pipe or work in such manner and to such extent as may be reasonably prescribed by such notice and shall where necessary replace the same to the reasonable satisfaction of the said surveyor Provided that before and during such diversion widening improvement removal alteration or renewal of any such main road or bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such main pipe or work along the main road or across the stream so as not to interrupt the continuous supply of gas Provided also that all expense reasonably incurred by the Undertakers under the provisions of this subsection in altering the position of any such main pipe or work shall be repaid to them by the county council except so far as such expense is necessarily incurred consequent upon the removal alteration widening or renewing of any county or main road bridge or approach:

- (6) 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 arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject thereto in accordance with the provisions of the Arbitration Act 1889.

For protec-  
tion of Great  
Central  
Railway  
Company.

46. The following provisions for the protection of the Great Central Railway Company (hereinafter called "the railway company") shall unless otherwise agreed in writing between the railway company and the Undertakers apply and have effect (that is to say):—

- (1) The execution by the Undertakers in the exercise of the powers conferred upon them by this Order of any works in the townships or parishes of Thurgoland and Hunshelf upon across or in any way affecting the railway and other property of or any road repairable by the railway company (all or any part whereof as the case may be is in this section included in the expression "the property of the railway company") shall be done and completed with all dispatch

after the commencement thereof under the superintendence and to the reasonable satisfaction of the engineer of the railway company and except in cases of emergency according to such plans and sections and in such manner as shall previously be reasonably approved by him in writing or in case of difference as may be determined by arbitration in the manner hereinafter provided Provided that if such engineer shall not approve or disapprove any plans and sections so submitted to him within fourteen days after the same are delivered to him or shall refuse or neglect to superintend the work the Undertakers may proceed without the approval of the plans and sections and without the superintendence of the said engineer:

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*Peniston*  
*Thurlstone*  
*and Oaspring.*

- (2) All such works as aforesaid shall be done by and at the expense of the Undertakers (except as in this section otherwise provided) who shall also at the like expense restore make good and maintain for three months after reinstatement to the reasonable satisfaction of the said engineer of the roads over or under any bridge or level crossing of the railway company or the approaches thereto or any other roads so far as the same are repairable by the railway company and may be disturbed or interfered with by or owing to any such operations of the Undertakers Provided always that should the railway company elect so to do where any such works require to be laid renewed or repaired under or across any level crossing of their railway they may themselves carry out such work at the reasonable costs charges and expenses of the Undertakers but so nevertheless that any mains or pipes so laid by the railway company shall only be laid under the superintendence and to the reasonable satisfaction of the engineer of the Undertakers:
- (3) All such works and operations as aforesaid and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the property of the railway company and so as to cause no interruption to the passage or conduct of the railway company's traffic and if any injury or interruption as aforesaid shall arise from or in any way be owing to the act or default or the works or operations of the Undertakers or to the leakage or failure of any such mains pipes or works in under or near to the property of the railway company the Undertakers shall make compensation to the railway company in respect thereof the amount of such compensation unless

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*Peniston*  
*Thurlston*  
*and Oæspring.*

agreed upon to be determined by arbitration in the manner hereinafter provided:

- (4) The Undertakers shall bear and on demand pay to the railway company all reasonable costs of any watching or signalling which may be necessary to provide for the protection of the railways of the railway company during the construction or repair of any such works as aforesaid:
- (5) Any difference arising between the Undertakers and the railway company under this section shall be determined by an engineer or other fit person to be appointed failing agreement by the Board of Trade at the request of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Difference  
with railway  
and other  
companies.

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

Repeal of  
certain  
sections of  
Act of 1858.

48. The following sections of the Act of 1858 are hereby repealed (that is to say) section 20 (Consumers of gas may be required to consume by meter) section 21 (Penalty for fraudulent use of meters) section 22 (Power to remove pipes from unoccupied premises) section 23 (Penalty for wilfully damaging mains &c.) section 24 (Penalties not to be cumulative) section 25 (Recovery of rent for gas or fittings under 20l.) section 26 (Recovery of money by distress when not disputed) section 27 (Several names &c. in one warrant) section 28 (Costs of distress) and section 29 (Warrant of distress to be after summons).

Costs of  
Order.

49. 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.

## WEY VALLEY WATER.

A.D. 1913.

*Order empowering the Wey Valley Water Company to construct new works to raise additional capital and for other purposes.* Wey Valley.

1. This Order may be cited as the Wey Valley Water Order 1913 and the Wey Valley Frimley and Farnham Water Act 1898 (in this Order referred to as "the Act of 1898") so far as it relates to the Undertakers the Wey Valley Water Order 1905 (in this Order referred to as "the Order of 1905") and this Order may be cited together as the Wey Valley Water Act and Orders 1898 to 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." Commencement of Order.

3. So far as the same relate to the powers conferred by this Order the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 with respect to the following matters (that is to say):— Incorporation of Acts.

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

A.D. 1913. to the entry upon lands by the Promoters of the undertaking) and  
 Wey Valley. the Waterworks Clauses Acts 1847 and 1863 are (except where  
 expressly varied by this Order) incorporated with and form part of  
 this Order:

Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of this Order have effect as if the words "with  
 " the consent in writing of the owner or reputed owner of any such  
 " house or of the agent of such owner" were omitted therefrom.

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

Interpreta-  
 tion.

4. The several words and expressions to which by any Act incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings In this Order the expression "deposited plan" shall mean the plan deposited for the purposes of this Order.

Undertakers.

5. The Wey Valley Water Company incorporated by the Act of 1898 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Power to  
 construct  
 waterworks  
 and take  
 waters.

6. Subject to the provisions of this Order the Undertakers may in upon or under the lands shown on the deposited plan if and so long as they are possessed of the same make and maintain a well or wells and pumping station in the parish of Frensham in the county of Surrey situate in the enclosures numbered 639 and 642 in the said parish on the 25-inch Ordnance map of Surrey (second edition 1897) sheet XXXVII. 7:

Provided always unless and until the Board of Trade shall have first signified their consent in writing signed by a secretary or assistant secretary of the said Board it shall not be lawful for the Undertakers to take collect or supply water from the lands in this section described.

In addition to the foregoing works the Undertakers may upon such lands make and maintain all such cuts channels catch-waters tunnels adits pipes conduits culverts drains sluices bye-washes shafts water towers overflows waste water channels gauges filter beds tanks banks walls approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before-mentioned works and (subject to the consent of any road authority and person affected) telegraphs and telephones necessary or convenient in connection therewith Provided that no telegraphs or telephones made or maintained under the provisions of this Order shall be used

for the transmission of telegrams within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

A.D. 1913.

*Wey Valley.*

Subject to the provisions of this Order the Undertakers may collect impound take use divert and appropriate for the purposes of their undertaking all such springs streams or waters as may be intercepted by the works by this Order authorised.

7. In constructing the waterworks authorised by this Order the Undertakers may deviate laterally to any extent within the limits of deviation shown on the deposited plan.

Limits of deviation.

8. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or some other Order or Act of Parliament.

Limiting powers of Undertakers to abstract water.

9. For the protection of the conservators of the River Thames (in this section referred to as "the conservators") the following provisions shall notwithstanding anything in this Order contained have effect (that is to say):—

For protection of conservators of River Thames.

(1) No water obtained by the Undertakers under the provisions of this Order shall be sold or supplied by them in bulk or otherwise outside or for consumption or use outside the county of Surrey except within the parishes of Bentley Binstead Kingsley Headley Grayshott and Bramshott in the county of Hants and Fernhurst Linchmere and North Ambersham in the county of West Sussex:

(2) The Undertakers shall not take either directly or indirectly any water from the River Thames or the Rivers Wey or Loddon or other tributary of the Thames or from any defined surface channel discharging into the said rivers or tributary without the consent in writing of the conservators.

10. In addition to any other lands which the Undertakers are under the Act of 1898 or the Order of 1905 authorised to take or purchase the Undertakers may by agreement take purchase and hold for the purposes of this Order and for the general purposes of their undertaking any lands within their limits of supply not exceeding in the whole five acres in extent or any easement (not being an easement of water in which any persons other than the grantors have an interest) in over or under any such lands Provided that the Undertakers shall not upon any such lands create or permit any nuisance and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking.

Further powers to acquire lands by agreement.

A.D. 1913.

Wey Valley.Undertakers  
may sell  
lease &c.  
spare lands.

11. The Undertakers may sell or demise and lease for any terms not exceeding twenty-one years or exchange or otherwise dispose of to such persons and in such manner as the Undertakers think fit any lands and property (not being lands used for the purposes of section 6 of this Order or other lands immediately adjoining and used and occupied by the Undertakers in connection with the said lands) for the time being belonging to the Undertakers which they may not require for the purposes of their undertaking (subject nevertheless to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable) and on any sale lease exchange or disposal by the Undertakers of any such lands and property whether the same be subject to the said provisions of the Lands Clauses Consolidation Act 1845 or not they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale lease exchange or disposal subject to such reservations accordingly and may also make any such sale lease exchange or disposal subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

As to  
exercise of  
powers of  
section 12  
of Water-  
works  
Clauses  
Act 1847.

12. The Undertakers may on all or any of the lands for the time being held by them in connection with their undertaking execute for the purposes of or in connection with the said undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Undertakers shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands purchased or taken on lease nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connection with their undertaking.

Detection  
of waste.

13. Subject to the provisions of the Waterworks Clauses Act 1847 the Undertakers may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Undertakers and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Undertakers shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-

General except in accordance with and subject to the provisions of the Telegraph Act 1878. A.D. 1913.  
*Wey Valley.*

14. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Undertakers so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates payable by owners of certain houses

15. The Undertakers shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to houses partly used for trade &c.

16. Subject to the provisions of this Order the Undertakers may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits for the supply of water by the Undertakers to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the said limits of supply. Provided also that nothing in this section shall authorise the Undertakers to lay any mains beyond the said limits.

Contracts for supplying water in bulk.

17. The Undertakers may sell any fittings connected with meters upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell fittings.

18.—(1) The Undertakers may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Undertakers in providing such materials and executing such work shall be paid by the person requiring the same.

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

(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

A.D. 1913. be liable to be taken into execution under any process of any court  
*Wey Valley.* or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

Injuring  
meters &c.

19. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Undertakers or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Undertakers shall (without prejudice to any other right or remedy for the protection of the Undertakers) be liable to a fine not exceeding five pounds and the Undertakers may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter or fittings belonging to the Undertakers or has fraudulently altered the index to any meter or other instrument for measuring water or prevented any meter from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Undertakers the Undertakers may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Undertakers by the person so offending and may be recovered by them as water rates are recoverable and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Undertakers when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to  
remove  
meters and  
fittings.

20. The Undertakers by their agents or workmen after forty-eight hours' notice in writing under the hand of the secretary or some other officer of the Undertakers to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Undertakers is laid or fixed and through or in which the supply of water is from any

cause other than the default of the Undertakers discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

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21. Before any person connects or disconnects any meter by means of which any of the water of the Undertakers is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Undertakers of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Undertakers and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to  
Under-  
takers of  
connecting  
or dis-  
connecting  
meters.

22. Section 58 (Register of meter to be *primâ facie* evidence) of the Act of 1898 is hereby repealed and where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Undertakers. Provided always that if the Undertakers and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of  
meter to be  
*primâ facie*  
evidence.

23. The Undertakers shall not be bound to supply more than one house by means of the same communication pipe and may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Undertakers  
not bound to  
supply several  
houses by  
one pipe.

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

Mainten-  
ance of com-  
mon pipe.

25. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of such houses had been

When several  
houses  
supplied by  
one pipe  
each to pay.

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*Wey Valley.*

separately supplied with water from the works of the Undertakers by a distinct pipe. Provided that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Supply of  
water to  
tenements  
in a row.

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements nor any persons on his behalf shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier so taking or using the water be in respect of the tenement so occupied by him rated for a supply of water by the Undertakers.

Misuser  
where  
supply to  
several  
houses is by  
a pipe com-  
mon to all.

27. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement or allows the same to be taken or used contrary to the provisions of any Act or Order relating to the Undertakers shall for every such offence be liable to a penalty not exceeding five pounds.

As to com-  
munication  
pipes.

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

Power to  
Under-  
takers to  
repair com-  
munication  
pipes.

29. If it should appear to the Undertakers that by reason of any injury to or defect in any communication pipe which the Undertakers are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Undertakers to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Undertakers in executing such repairs shall be recoverable by the Undertakers from the owner:

Provided that except in case of emergency the Undertakers shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

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

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

Temporary  
discharge of  
water into  
streams.

31.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any of their waterworks the Undertakers may cause the water in such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Undertakers shall do as little damage as may be and shall make compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

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32. In addition to the capital already authorised to be raised by the Undertakers they may—

Additional  
capital.

(1) Raise any further sums not exceeding in the whole forty thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively (in this Order referred to as "the new capital") but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds nor shall any such share or stock issued under the authority of this Order vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained on the sale thereof as hereinafter provided 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 capital than will be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of forty thousand pounds; and

(2) Borrow on mortgage in respect of the new capital by this Order authorised to be raised any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by shares or stock including the premiums (if any) realised on the sale thereof but no part thereof shall be borrowed until the whole of the shares or stock in respect of which the power of borrowing is being exercised including the premiums (if any) realised on the sale thereof shall have been fully paid up and the Undertakers have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares or stock including the premiums (if any) realised on the sale thereof have been fully paid up and upon production to such justice of the books of the Undertakers and of such other evidence as he may think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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As to conversion of borrowed money into capital.

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

New capital to be sold by auction or tender.

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

34. Except as by this Order otherwise provided the new capital and the new 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 that new capital were part of the existing capital of the Undertakers of the same class or description and the new shares or stock were shares or stock in that capital. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

35.—(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 district within the limits for the supply of water by the Undertakers and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits:

(B) A reserve price shall be fixed 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 an 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.

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(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 water 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 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.

36. The Undertakers may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 29 of the Act of 1898.

Power to  
create  
debenture  
stock.

37. All money to be raised 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 which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect

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

A.D. 1913. any claim for land taken used or occupied by the Undertakers for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Undertakers.

*Wey Valley.*

Existing mortgages to have priority.

38. All mortgages granted by the Undertakers in pursuance of or in conformity with any Acts or Orders before the commencement of this Order 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 in pursuance of or in conformity with which the same were granted have priority over any mortgages granted under the authority of this Order but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Undertakers.

Appointment of receiver.

39. Section 22 (Appointment of receiver) of the Order of 1905 is hereby repealed as from the commencement of this Order but without prejudice to any appointment heretofore made or to the continuance of any proceedings then pending. 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand five hundred pounds in the whole.

Limits of dividend on new capital.

40. The Undertakers shall not in any year declare or make out of their profits any larger dividend on the new capital than seven pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as ordinary capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds per centum per annum or than five pounds in respect of every one hundred pounds actually paid up of so much of the new capital as may be issued as preference capital.

Preference shares or stock may be created subject to redemption.

41. Any preference shares or stock created and issued under the powers of this Order may be issued subject to the condition that the same may be redeemed by the Undertakers at such times and on such terms and conditions as shall be expressed on the certificates of such shares or stock.

Application of moneys.

42. All moneys raised under this Order including any premiums shall be applied to the purposes of the undertaking authorised by the Act of 1898 the Order of 1905 and this Order to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or of stock under the provisions of this Order shall not be considered as part of the capital of the

Undertakers entitled to dividend Provided that in any case where a power to raise money by borrowing or to create a reserve or other fund is made proportionate to the paid up or nominal capital the premium received from the sale of shares or stock by auction or tender as hereinbefore provided shall for such purpose be reckoned as part of the paid up or nominal capital.

A.D. 1913.  
*Wey Valley.*

43. If any money is payable to a share or stock holder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt in  
case of  
persons not  
sui juris.

44. The Undertakers may apply to any of the purposes of this Order to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the Act of 1898 the Order of 1905 or this Order or which may be under their control and which are not required for the purposes to which they are by the said Act or Order made specially applicable.

Power to  
apply  
funds.

45. From and after the commencement of this Order the ordinary meetings of the Undertakers shall be held once in every year in the month of February or at such other time as shall be appointed for that purpose by an order of a general meeting.

Date of  
ordinary  
meetings.

46. The quorum of general meetings (whether ordinary or extraordinary) of the Undertakers shall be seven shareholders present in person or by proxy holding in the aggregate not less than one-twentieth of the subscribed capital of the Undertakers.

Quorum of  
general  
meetings.

47. The directors may in any year without calling a meeting of shareholders for the purpose declare interim half-yearly dividends out of the then ascertained profits of the Undertaking Provided that the amount of any interim half-yearly dividends so declared shall not exceed in any half-year one-half of the amount of the prescribed rates of dividend respectively.

Interim  
dividend.

48. Section 38 (Contracts not to disqualify for office of director) of the Act of 1898 is hereby repealed and no person shall be disqualified from becoming or continuing a director of the undertaking by reason of his or any partners of his being or becoming interested in any contract with the Undertakers either in his own behalf or as a member of any other company corporation local authority or partnership but no such person shall as a director vote in respect of any question as to any such contract or the remuneration attached to any such office or place of trust or profit.

Contracts  
not to  
disqualify  
for office of  
director.

49. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Undertakers in place either

Notice of  
candida-  
ture for  
office of  
director.

A.D. 1913. of a director retiring by rotation or of a director dying refusing to  
*Wey Valley* act or ceasing to be qualified or being disqualified to act unless notice  
in writing that such person intends to offer himself or will be proposed  
for the office of director shall have been given to the secretary of the  
Undertakers or left at the office of the Undertakers fourteen days at  
least before the day of election.

Auditors. 50. The prescribed number of auditors shall be one unless the  
number be increased to two by an order of a general meeting and  
such auditor or auditors shall be a member or members of the  
Institute of Chartered Accountants or the Society of Incorporated  
Accountants and Auditors and need not hold shares in the under-  
taking.

Warrant of  
distress to  
include  
costs. 51. Any justice who issues a warrant of distress in pursuance of  
the provisions of any Act or Order relating to the Undertakers may  
order that the costs of the proceedings for the recovery of the money  
to be levied shall be paid by the person liable to pay such money and  
such costs shall be ascertained by such justice and shall be included  
in the warrant of distress for the recovery of such money.

Costs of  
Order. 52. 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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FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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