

**CHAPTER ii.**

An Act to confer further powers on the Crowborough District Gas Company in reference to their gas undertaking and to empower them to supply electricity within their existing limits of supply. A.D. 1913.  
[4th July 1913.]

**W**HEREAS by the Crowborough District Gas Act 1899 (hereinafter referred to as "the Act of 1899") the Crowborough District Gas Company (hereinafter called "the Company") were incorporated for the purposes of (amongst other things) making and maintaining gasworks and manufacturing and supplying gas and electricity within the parishes and places of Crowborough Mayfield Buxted and Hartfield in the county of Sussex and so much of the parishes of Rotherfield Withyham and Frant in that county and Speldhurst in the county of Kent as is not within a radius of four miles from the centre of the western door of Holy Trinity Church Tunbridge Wells:

And whereas the Company are supplying gas within their said limits and they could conveniently and economically work and maintain an electricity undertaking jointly with their gas undertaking and it is expedient that the Company be empowered to supply electricity for public and private purposes within their statutory gas limits as defined by the Act of 1899:

And whereas the authorised capital of the Company under the Act of 1899 is twenty-four thousand pounds in ordinary shares of one pound each and the Company were authorised to raise six thousand pounds by borrowing:

And whereas the Company have raised and expended the whole of such share and loan capital and now owe in addition the sum of two thousand two hundred and fifty-two pounds eleven shillings and one penny:

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And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and that such other powers as are contained in this Act be conferred upon the Company :

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

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

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be cited as the Crowborough District Gas and Electricity Act 1913.

Act divided  
into Parts.

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

Part I.—Preliminary.

Part II.—Gas.

Part III.—Electricity.

Part IV.—Financial.

Part V.—Miscellaneous.

Application  
of Electric  
Lighting  
Acts.

3. This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts, 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 so far as the provisions of those Acts and the schedules thereto are applicable to or are incorporated by this Act (which Acts and the schedules thereto are hereinafter referred to as "the principal Acts").

Incorporation  
of  
general  
Acts.

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

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) 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 as amended by subsequent Acts; A.D. 1913.

The Gasworks Clauses Act 1847;

Provided that section 13 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section;

The Gasworks Clauses Act 1871;

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

The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 except sections 5 and 23 thereof.

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

The expression "the Company" means the Crowborough District Gas Company;

The expression "the Act of 1899" means the Crowborough District Gas Act 1899;

The expression "the gas undertaking" means the gasworks and works connected therewith authorised by the Act of 1899 and any improvement and extension thereof which the Company may make or construct under the powers of this Act and the lands buildings estate right title property and privileges and effects and the undertaking of the Company for the supply of gas as authorised by the Act of 1899;

The expression "the electricity undertaking" means the undertaking of the Company for the supply of electricity as authorised by this Act; and

The expression "the undertaking" includes both the gas undertaking and the electricity undertaking.

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## PART II.

## GAS.

Additional  
lands for  
gasworks  
purposes.

6. The Company may purchase by agreement but not otherwise and may hold and use for the purposes of their gas undertaking the lands described in Part I. of the First Schedule to this Act and section 28 (Company may maintain existing gasworks) of the Act of 1899 shall be read and have effect as if the said lands were referred to in the said section and described in the schedule to the said Act.

Repeal of  
section 31 of  
Act of 1899.

7. On and as from the first day of January one thousand nine hundred and fourteen section 31 (Maximum price of gas) of the Act of 1899 shall be and the same is hereby repealed.

Dividend  
dependent  
on price  
charged.

8. On and after the first day of January one thousand nine hundred and fourteen the standard price to be charged by the Company for gas supplied by them shall be four shillings and sixpence per thousand cubic feet:

Provided that the Company may increase or reduce the price charged by them for gas above or below the standard price subject to a reduction or increase in the dividends payable by the Company on the ordinary share capital or stock as follows:—

In respect of any year during any part of which the price charged by the Company shall have been one penny or part of a penny above the standard price the dividend payable by the Company 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 two shillings and sixpence on every one hundred pounds of consolidated ordinary stock 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 Company shall have been one penny or more below the standard price the dividend payable by the Company may in respect of each penny by which the standard price shall have been reduced be increased above the standard rate by two shillings and sixpence on every hundred pounds of consolidated ordinary stock and so in proportion for any fraction of one hundred pounds.

9. The Company may lay down and repair take up alter or relay or renew mains pipes and culverts 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 any 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 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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Power to lay  
down pipes  
for ancillary  
purposes.

10.—(1) The provisions of section 22 of the Act of 1899 shall extend and apply to any main pipe or culvert laid down repaired relaid or renewed under any main road within the administrative county of East Sussex under the powers of the section of this Act of which the marginal note is "Power to lay down pipes for ancillary purposes."

For protec-  
tion of East  
Sussex  
County  
Council.

(2) The provisions of the section of this Act of which the marginal note is "For protection of county bridges in East Sussex" shall extend and apply to any works executed within the administrative county of East Sussex under the provisions of the section of this Act of which the marginal note is "Power to lay down pipes for ancillary purposes" and to the exercise of any powers for the purposes of the gas undertaking within the said administrative county.

11.—(1) The quality of the gas supplied by the Company 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 Act be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

Testing  
quality.

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



A.D. 1913. Trade may on the application of the Company 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 Company shall provide all the apparatus required by this Part of this Act for the testing of gas and shall at all times keep the same in proper order and repair.

(4) Section 34 (Quality of gas) and section 36 (Burner) of the Act of 1899 are hereby respectively repealed.

Anti-fluc-  
tuators for  
gas engines.

**12.** Every consumer of gas supplied by the Company who uses a gas engine shall if required to do so by the Company 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 Company may cease to supply gas to such consumer. The Company 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 Company if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

### PART III.

#### ELECTRICITY.

Area for  
supply of  
electricity.

**13.** The area within which the Company may supply electricity under this Act (in this Act called "the area of supply") shall be the limits for the supply of gas as defined by the Act of 1899 (viz.) the parishes and places of Crowborough Mayfield Buxted and Hartfield in the county of Sussex and so much of the parishes of Rotherfield Withyham and Frant in that county and Speldhurst in the county of Kent as is not within a radius of four miles from the centre of the western door of Holy Trinity Church Tunbridge Wells and such area shall be deemed to be the area of supply within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 and the Company may supply electricity within the area of supply for all public and private purposes.

Power to  
appropriate  
lands and  
erect genera-  
ting stations.

**14.—(1)** The Company may when they have acquired the same appropriate and use for the purposes of the electricity undertaking the lands described in Part II. of the First Schedule

to this Act and may thereon erect maintain work and use a station or stations for producing and generating transforming storing and distributing electricity with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and supply such electricity accordingly. A.D. 1913.

(2) The Company may appropriate and use for the said purposes any other lands vested in them by virtue of the Act of 1899 but they shall not use any such lands for the purpose of constructing a generating station except with the consent of the Board of Trade and the Board of Trade shall not in any case give such consent except subject to and in accordance with the provisions of section 2 of the Electric Lighting Act 1909.

**15.** The Company may purchase provide supply sell and let on hire and may fix set up alter repair and remove but shall not manufacture engines machines motors dynamos accumulators cables conductors services wires tubes pipes insulators distributing cut-out and other boxes switches transformers lamps meters fittings and other apparatus and appliances used for or in connection with the production transmission storage transformation measuring regulating distributing and use of electricity for lighting and other purposes whether public or private or for converting the same into motive power heat or otherwise and may provide all materials and do all work necessary or proper in that behalf and may demand take and recover such remuneration in money or such rents and charges for and may make such terms and conditions with respect to the supply sale letting fixing setting up altering repairing and removing of such articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Company as may be agreed on between the Company and the person to or for whom the same are sold supplied let on hire fixed or set up as aforesaid. Power to supply engines motors fittings &c.

**16.** Subject to the provisions of the principal Acts the Company may break up for the purposes of the electricity undertaking the following streets not repairable by the local authority (that is to say) Beacon Road West Warren Road Fielding Road Rannoch Road Aviemore Road Melfort Road and Goldsmith Avenue. Power to break up streets not repairable by local authority.

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Mains &c. to  
be laid down.

**17.** Section 21 (subsection 1) of the schedule to the Electric Lighting (Clauses) Act 1899 in so far as it specifies a period within which the Company shall lay down distributing mains shall not apply to the Company but the Company shall before the expiration of three years after the passing of this Act without being required to do so lay down reasonably suitable and sufficient distributing mains for the purposes of general supply throughout the streets mentioned in the Second Schedule to this Act. Provided that the Board of Trade may from time to time extend such period for such further period as they may think fit. Provided further that the Board of Trade may on the expiration of such period or of any such extended period as aforesaid if such mains mentioned in the Second Schedule to this Act are not then laid or if evidence is not forthcoming of the bonâ fide intention of the Company to lay such mains on the representation of the local authority of the district revoke the powers of this Act in regard to the supply of electricity as to the whole or part of the area of supply and make such order as to payment by the Company of the costs of such representation as they think fit.

Power to  
revoke Act  
where no  
mains are  
laid.

**18.**—(1) If at the expiration of three years from the passing of this Act distributing mains shall not have been laid down in the parishes and places mentioned in the section of this Act whereof the marginal note is "Area for supply of electricity" (other than the streets mentioned in the Second Schedule to this Act) the Board of Trade may if they think fit revoke the powers of this Act in respect of any of the said parishes and places where such mains shall not have been laid.

(2) Nothing in this section shall be construed as affecting the power of the Board of Trade to revoke the said powers of this Act under the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899.

Maximum  
prices.

**19.** The maximum prices to be charged by the Company for electricity supplied by them except to public lamps shall subject to alteration as in the schedule to the Electric Lighting (Clauses) Act 1899 provided be that stated in that behalf in the Third Schedule to this Act.

For protec-  
tion of  
county  
bridges in  
East Sussex.

**20.**—(1) Nothing in this Part of this Act shall in any way limit or affect the powers of the East Sussex County Council (in this section referred to as "the county council") to rebuild



alter widen or repair the structure of any county bridge upon which any work by this Part of this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the passing of this Act. A.D. 1913.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any such bridge which might involve interference with any portion of the undertaking by this Part of this Act authorised they shall prior to the commencement of such works give to the Company one month's notice in writing of their intention to carry out such works and if in order to avoid interruption to the supply by the Company of electrical energy it is in the opinion of the county surveyor necessary to temporarily remove the mains and other electrical appliances belonging to the Company from such bridge then the Company shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Company shall have the same rights and powers with regard to such bridge and its approaches as they had before the works of the county council were carried out.

(4) If any dispute arises between the county council and the Company with regard to this section the same shall be referred to and determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

#### PART IV.

##### FINANCIAL.

21.—(1) As from the first day of January one thousand nine hundred and fourteen the ordinary shares in the capital of the Company shall be consolidated and converted into a stock of the nominal amount of thirty thousand pounds (hereinafter called "consolidated ordinary stock") bearing a uniform dividend at the rate of five pounds per centum per annum and shall be vested in and divided among the holders of ordinary shares in

Consolidation and conversion of ordinary shares.

A.D. 1913.      the existing capital of the Company so that each holder of ordinary shares shall be entitled to an amount of five pounds of consolidated ordinary stock for every four pounds in ordinary shares held by him.

(2) As from that date there shall by virtue of this Act be created such a nominal amount of consolidated ordinary stock of the Company as shall be necessary for the purpose of giving effect to the provisions of this section and the amounts of consolidated ordinary stock to which the holders of existing ordinary shares respectively become entitled under this section shall be forthwith registered in their respective names in the books of the Company.

(3) Consolidated ordinary stock issued under this section shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those upon or to which the existing ordinary shares for which the consolidated ordinary stock is substituted were held or were subject immediately before the said first day of January one thousand nine hundred and fourteen and shall be dealt with and applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing ordinary shares and trustees executors or administrators or other parties under disability may accept consolidated ordinary stock in substitution for existing ordinary shares in the capital of the Company held by them and may subject to the provisions of this Part of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

(4) The Company shall call in the certificates of the shares for which consolidated ordinary stock shall be substituted and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of consolidated ordinary stock for the respective amounts to which those proprietors are under this Act respectively entitled but no proprietor shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors of the Company the loss or destruction thereof Provided always that until the issue of such new certificates the existing certificates shall

(according to the amounts of consolidated ordinary stock substituted by this Act for the existing ordinary shares which they respectively represent) have and possess the same rights and advantages as if they were certificates for those respective amounts of consolidated ordinary stock but if any holder of any existing ordinary shares in the Company neglect or omit to send or deliver to the Company his existing certificates for the period of one year after notice in writing sent by registered letter to the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the consolidated ordinary stock to which such holder is entitled under the provisions of this section until such existing certificates are sent or delivered to the Company or are proved to the reasonable satisfaction of the directors of the Company to have been lost or destroyed. A.D. 1913.

(5) All transfers or other dispositions of any of the existing ordinary shares shall after the conversion thereof into consolidated ordinary stock and notwithstanding this Act be valid and have due effect given to them respectively as transfers of the amount of consolidated ordinary stock which the shares thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Part of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision in any deed or agreement relating to any specific nominal amount of any such existing shares converted by this Act into stock of larger nominal value shall be held to apply to a nominal amount of consolidated ordinary stock equal to that into which such existing shares shall have been converted by virtue of this Act.

(6) Consolidated ordinary stock shall be transferable in amounts of one pound or multiples of one pound and in every case where under the provisions of this section a holder of any existing ordinary shares would be entitled to any fractional part of a pound of consolidated ordinary stock the Company shall not be bound to register such fractional part but may at the option of the Company pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such a sum in cash as will make up the amount of stock to be vested in him to an integral

A.D. 1913. number of pounds of stock and the amount of consolidated ordinary stock vesting in such holder shall thereupon be reduced or increased accordingly and the directors may from time to time create and issue such additional amount of consolidated ordinary stock as may be requisite for giving effect to the provisions of this subsection.

(7) No holding of any stockholder of the Company shall be less than five pounds of consolidated ordinary stock and the Company shall pay to any holder of less than four shares such a sum in cash as shall be equal to the value of the shares held by him at the market price at the time of the conversion of shares into stock under the powers of this Act.

Power to  
Company to  
raise addi-  
tional  
capital.

**22.** The Company may from time to time raise additional capital not exceeding in the whole thirty-six thousand pounds by the creation and issue of consolidated ordinary stock. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of additional capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of thirty-six thousand pounds.

New stock  
to be sold  
by auction  
or tender.

**23.**—(1) All stock created under the powers of this Act except the stock created under the section of this Act whereof the marginal note is "Consolidation and conversion of ordinary shares" shall be issued in accordance with the provisions of this section.

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

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

(b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be

received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:

- (c) No lot offered for sale shall comprise 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 Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

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

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

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of



A.D. 1913. Trade stating the total amount of the respective stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the stock.

New stock to form part of capital of Company.

**24.** The capital in new stock so created shall form part of the capital of the Company.

Profits of Company limited.

**25.** Except as by this Act otherwise provided the Company shall not in any year pay out of their profits any larger dividend on the consolidated ordinary stock than five pounds in respect of every one hundred pounds actually paid up of such stock or on the additional capital to be raised under the powers of this Act than five pounds in respect of every one hundred pounds actually paid up of such capital.

Power to borrow in respect of consolidated ordinary stock.

**26.** The Company may in respect of consolidated ordinary stock at any time and from time to time after the first day of January one thousand nine hundred and fourteen borrow on mortgage of the undertaking any sum or sums not exceeding (inclusive of the sum of six thousand pounds already raised in respect of the existing ordinary capital) the sum of eight thousand pounds.

Power to borrow in respect of additional capital.

**27.** The Company may subject to the provisions of this Act borrow on mortgage of the undertaking any further sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the shares or stock at the time issued together with the premium (if any) realized on the sale thereof have been fully paid up.

Reduction of capital if electricity powers not exercised.

**28.** If within a period of three years after the passing of this Act or such extended period as the Board of Trade may prescribe under the section of this Act whereof the marginal note is "Mains &c. to be laid down" the Company shall have failed bonâ fide to commence to exercise the powers of this Act with reference to the supply of electricity the additional capital which the Company are by this Act authorised to raise shall be reduced from the sum of thirty-six thousand pounds to the sum of twenty-one thousand pounds and until the Company so commence to exercise the said powers they shall not create or

issue any greater amount than twenty-one thousand pounds of the said additional capital. A.D. 1913.

**29.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. Section 10 of the Act of 1899 as to the appointment of a receiver is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision previous to the passing of this Act or to any rights of existing mortgages of the Company at the date of the passing of this Act.

For appointment of receiver.

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

Mortgages to have priority over other debts.

**31.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 12 of the Act of 1899.

Debenture stock.

**32.—(1)** The directors of the Company may if they think fit in any year appropriate out of the revenue of the Company arising respectively from the gas undertaking or the electricity undertaking and as part of the expenditure on revenue account of such undertakings respectively any sum not exceeding an amount equal to one per centum of the paid-up capital of the Company including premiums to a fund to be called "the special purposes fund."

Power to create a special purposes fund.

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

A.D. 1913. corporate accountant being an auditor of the Company or appointed for the purpose by the Board of Trade shall approve as being—

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

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

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

## PART V.

### MISCELLANEOUS.

Change of  
name of  
Company.

**33.** Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 the name of the Company shall as from the date of the first issue of capital for the purposes of Part III. of this Act be the Crowborough District Gas and Electricity Company.

Separate  
accounts  
of gas and  
electricity  
under-  
takings.

**34.** Separate capital and revenue accounts shall be kept of the gas undertaking and the electricity undertaking.

The gas undertaking and the electricity undertaking respectively shall be duly accredited and debited with the receipts and payments exclusively attributable thereto.

The Company shall out of the capital moneys raised under this Act carry to the credit of the capital account of the gas undertaking the value of all land acquired for the purposes of that undertaking and used for the purposes of the electricity undertaking.

The expenses of direction and management and any expenses common to both the gas undertaking and the electricity undertaking shall be from time to time apportioned between them as nearly as conveniently practicable in proportion to the amount of capital for the time being expended on the gas undertaking and the electricity undertaking respectively.

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**35.** The Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and may hold in addition to any lands now belonging to them and any lands which they are authorised to acquire under the powers of this Act and the Act of 1899 any lands and hereditaments not exceeding in the whole two acres which they may require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in Part I. of the First Schedule to this Act and in the schedule to the Act of 1899 and no lands shall be used by the Company for the purpose of generating electricity except the lands described in Part II. of the First Schedule to this Act.

Power to  
purchase  
lands by  
agreement.

**36.** Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Company may sell or let on lease for such periods as they think fit any lands or property for the time being belonging to them and which may not at the time be required for the purposes of their gas or electricity undertakings and may retain and hold sell and dispose of any interest in or reversion to any lands or property so let and any such sale disposal or lease may be for such consideration and subject to such reservations restrictions and provisions and generally upon such terms and conditions as the Company think fit.

Power to  
sell and  
lease lands.

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

Notice to  
discontinue  
supply of  
electricity.

**38.** Any notice to be served by the Company on a person supplied with gas or electricity shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the

Authentica-  
tion and  
service of  
notices by  
Company.

A.D. 1913. directors being affixed thereto in writing or by stamp or if it be a notice to pay any charge in respect of a supply of gas or electricity or of gas or electrical fittings or appliances by the name either of the secretary or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Several  
sums in one  
summons.

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

Penalties  
not cumula-  
tive.

**40.** Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative and for such purpose this Act and the Acts incorporated herewith shall be deemed several Acts.

Recovery of  
penalties &c.

**41.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
demands.

**42.** Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1899 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Company  
may apply for  
Provisional  
Orders.

**43.** The Company may apply for Provisional Orders under the Electric Lighting Acts 1882 to 1909.



44. The Company may purchase or take on lease houses cottages and buildings for persons in their employ and offices showrooms and other buildings for the purposes of the undertaking and may erect maintain and let any of such buildings upon any lands for the time being belonging or leased to the Company.

A.D. 1913.  
Dwelling-houses for persons in Company's employ.

45. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Company a stand-by supply of gas or electricity to any premises for purposes for which he has at the same time a supply of gas or electricity from an installation other than that of the Company unless he shall have agreed to pay the Company 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 so paid shall be determined in default of agreement by an engineer to be appointed on the application of either party by the Board of Trade.

Supply of gas or electricity where consumer has separate supply.

46. The Company may enter into and carry into effect agreements with any local authority company or body owning or working railways tramways or trolley vehicles either within or without the area of supply for the supply of electricity on such terms and conditions as may be mutually agreed:

Agreements for supply of electrical energy.

Provided that any electricity supplied under this section shall be used by the local authority company or body receiving such supply in such manner as to prevent any interference (whether by induction or otherwise) with the telegraphic lines of the Postmaster-General or with telegraphic communication by means of such lines but this proviso shall not apply to any such local authority company or body as is authorised to use electricity by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphic lines in respect of the use of electricity.

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

Costs of Act.

A.D. 1913:

The SCHEDULES referred to in the foregoing Act.

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## FIRST SCHEDULE.

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### PART I.

#### LANDS FOR GASWORKS.

A piece or parcel of land situate in the parish of Crowborough in the county of Sussex containing 1 acre 3 roods or thereabouts being part of the enclosures numbered 592 and 593 on the  $\frac{1}{2500}$  Ordnance map of the said parish sheet XVII. 15 (edition 1910) and bounded on the north by the field used as the football ground of the Jarvis Brook Football Club on the east and south by the stream known as Jarvis Brook and the boundary wall of the existing gasworks and on the west by the public footpath leading from Station Road to the football ground aforesaid and in the occupation of J. Mitchell.

### PART II.

#### LANDS FOR GENERATING STATIONS.

A piece or parcel of land situate in the parish of Crowborough in the county of Sussex containing by admeasurement 1 acre 3 roods or thereabouts being part of the enclosures numbered 592 and 593 on the  $\frac{1}{2500}$  Ordnance map of the said parish sheet XVII. 15 (edition 1910) and bounded on the north by the field used as the football ground of the Jarvis Brook Football Club on the east and south by the stream known as Jarvis Brook and the boundary wall of the existing gasworks and on the west by the public footpath leading from Station Road to the football ground aforesaid and in the occupation of J. Mitchell.

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## SECOND SCHEDULE.

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LIST OF STREETS throughout which the Company are to lay down reasonably suitable and sufficient distributing mains for the purposes of general electric supply within the period specified in this Act:—

Station Road Beacon Road (from Crowborough Cross to the Club House of the Crowborough Golf Club) and Croft Road (from Crowborough Cross to Church Road).

THIRD SCHEDULE.

A.D. 1913.

MAXIMUM PRICES.

In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electromotive force of one volt during one hour.

SECTION 1.

Where the Company charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and four pence and for each unit over twenty units eight pence.

SECTION 2.

Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under the Board of Trade Regulations.

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