



### CHAPTER xxxix.

An Act to extend the limits of the Westgate and Birchington Gas Company for the supply of gas to empower the Company to supply electricity and to confer further powers on and to change the name of the Company and for other purposes. [15th August 1913.] A.D. 1913

**W**HEREAS by the Westgate and Birchington Gas Act 1881 (herein-after called "the Act of 1881") the Westgate and Birchington Gas Company (herein-after called "the Company") was incorporated and was authorised to supply gas in the parish of Birchington and parts of the parishes of Saint John the Baptist Minster and Acol all in the Isle of Thanet in the county of Kent: 44 Vict. c. xxvi.

And whereas further powers were conferred upon the Company by the Westgate and Birchington Gas Act 1882 (herein-after called "the Act of 1882"): 45 & 46 Vict. c. cxix.

And whereas the authorised capital of the Company under the Act of 1881 and the Act of 1882 is thirty-nine thousand pounds and the Company was authorised to raise nine thousand seven hundred and fifty pounds by borrowing:

And whereas the Company has raised and expended nearly the whole of its share and loan capital:

And whereas the demand for gas within the Company's present limits of supply has increased and is increasing and it is expedient in order to meet such demand that the Company's works should be enlarged and extended and that additional capital should be provided for those purposes and that the limits within which the Company may supply gas should be extended:

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And whereas it is expedient that the Company be empowered to supply electricity for public and private purposes within the area of supply defined by this Act:

And whereas it is expedient that further powers should be conferred upon the Company as in this Act contained:

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 Westgate and Birchington Gas and Electricity Act 1913.

Application  
of Electric  
Lighting  
Acts.

2. 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 are applicable to or incorporated by this Act (which Acts are herein-after referred to as "the principal Acts").

Incorpora-  
tion of  
general  
Acts.

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

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) 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 Acts 1847 and 1871 Provided that section 13 of the former Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Company shall be alike

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in terms and amount under like circumstances to all consumers" were added at the end of that section; A.D. 1913

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 23 83 and 84 thereof.

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

The expression "the Company" means the Westgate and Birchington Gas Company;

The expressions "the Act of 1881" and "the Act of 1882" mean respectively the Westgate and Birchington Gas Act 1881 and the Westgate and Birchington Gas Act 1882;

The expression "the gas undertaking" means the undertaking of the Company for the supply of gas as authorised by the Act of 1881 the Act of 1882 and this Act;

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

The expression "the undertaking" includes the gas undertaking and the electricity undertaking;

The expression "the principal Acts" means the Electric Lighting Acts 1882 to 1909 and the Electric Lighting (Clauses) Act 1899 and the schedules to such Acts.

## PART II.

### SUPPLY OF GAS.

5. The limits within which the Company may supply gas under the Act of 1881 and the Act of 1882 as amended by this Act shall be extended so as to include the parish of Saint Nicholas-at-Wade in the rural district of the Isle of Thanet in Extensio  
of gas li

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A.D. 1913. the county of Kent so much of the parish of Wood (otherwise Acol) in the said rural district and county as is not included within the existing limits of supply and so much of the parish of Westgate-on-Sea in the said rural district and county not included within the existing limits of supply as lies to the south of an imaginary line commencing at the point at which the most northerly boundary of the said parish of Wood (otherwise Acol) meets the eastern boundary of the parish of Westgate-on-Sea (such point being 766 yards or thereabouts in a north-north-westerly direction from the northern point of the buildings at Woodchurch Farm) and proceeding due west to the western boundary of the said parish of Westgate-on-Sea and the Company shall have and may exercise within the added area all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and are subject to within the existing limits of supply.

Testing  
quality.

6.—(1) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be the testing place provided in pursuance of the provisions of section 33 (Testing place) of the Act of 1881.

(2) 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 be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(3) 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 or the table 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 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.

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(4) The Company shall within three months after the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair. A.D. 1913.

(5) Section 34 (Burner) of the Act of 1881 is hereby repealed.

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

(2) The 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 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 Company in connexion 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.

8. In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:— As to construction and placing of pipes &c. between mains and meters.

(1) The Company 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



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instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:

- (2) The Company 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 twice in some newspaper or 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 Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's 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 Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company. Any officer of the Company 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 Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Company refuses 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 Company's 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.

9. The Company may lay down and repair take up 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 the manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

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 Power to lay pipes & for ancillary purposes.

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

Gas consumers to give notice to Company before removing.

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

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

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

Supply of gas where consumer has separate supply.

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Amending obligations as to supply of gas.

**13.** Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Company interfere with the sufficiency of the gas required to be supplied by means of such main for lighting purposes.

Power to enter premises and remove fittings.

**14.** The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Company 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 Company shall not require to take a supply of gas from the Company or to hire from the Company all or any of the pipes meters fittings or apparatus belonging to the Company and let by them on hire to any former occupier of such premises.

As to mode of cutting off supplies.

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

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

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



16. In any case in which in consequence of any default on the part of the occupier of any premises the Company shall have cut off the supply of gas to such premises (whether under the existing powers of the Company or under the powers conferred by this Act) and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

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 Occupier  
 pay expe  
 of reconf  
 ing disco  
 nected  
 supply.

17.—(1) Any fittings engines stoves ranges pipes and other apparatus and appliances (in this section referred to as “fittings”) let for hire by the Company under the provisions of section 26 (Power to supply gas fittings &c. for heating and other purposes) of the Act of 1881 shall not be subject to distress or to the landlord’s remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

Fittings  
 to be sub  
 to distress  
 and though  
 fixed to  
 premises  
 remain  
 property  
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(2) Any fittings let for hire by the Company 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 Company Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

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

18. 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 Company shall be paid by or to the Company to or by the consumer as the

Period of  
 error in  
 defective  
 meters.

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

**19.** The Company may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the Company's 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 shall be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond their limits of supply.

Anti-fluc-  
tuators for  
gas engines.

**20.** 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 order and in default of his so doing 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.

No penalty  
in case of  
unavoidable  
cause.

**21.** No penalty shall be incurred by the Company 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 Company. Provided that the want of sufficient funds shall not be held to be a circumstance beyond the control of the Company.

For protec-  
tion of Kent  
County  
Council.

**22.** In executing the works and exercising the powers authorised by Part II. of this Act or the Act of 1881 or the Act of 1882 so far as they affect any main road repairable by the county council of the administrative county of Kent (in this section referred to as "the county council") the following provisions for the protection of the county council shall unless otherwise agreed in writing apply and have effect (that is to say):—

- (1) All mains pipes and works to be laid in or along any main road shall be laid in such position in or at the side thereof as the county council in writing under

the hand of their surveyor may reasonably direct and if under the metalled portion thereof at a depth of not less than two feet:

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- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any main road be not less than seven clear days instead of three clear days:
- (3) All works shall be so executed by the Company as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road and the Company shall not break up at any one time a greater length than one hundred yards of any main road:
- (4) If any difference arises at any time between the county council and the Company touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Company and failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the Arbitration Act 1889 shall apply to the arbitration.

### PART III.

#### SUPPLY OF ELECTRICITY.

**23.** The area within which the Company may supply electricity under this Act shall be and include the parishes of Westgate-on-Sea Birchington Wood (otherwise Acol) and Saint Nicholas-at-Wade all in the rural district of the Isle of Thanet in the county of Kent and those parishes 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 as incorporated with this Act and are herein-after called "the area of supply" and the Company may supply electricity within the area of supply for all public and private purposes.

Area of  
supply of  
electricity.

**24.—**(1) The Company may use for the purposes of the electricity undertaking the lands described in the First Schedule to this Act or any part of those lands and may thereon erect

Power to  
use lands  
and erect  
generating  
station.

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A.D. 1913. 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.

(2) The Company may appropriate and use for the said purposes any other lands acquired by them by virtue of the Act of 1881 or the Act of 1882 or any lands to be acquired by them under this Act 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.

Power to  
purchase  
lands by  
agreement.

25. The Company may for the purposes of the electricity undertaking purchase and take (by agreement but not otherwise) and may hold in addition to the other lands which they are by this Act authorised to hold 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 and generating electricity except the lands authorised to be so used by or under this or any other Act or Order affecting the undertaking.

Power to  
break up  
streets not  
repairable by  
local autho-  
rity and rail-  
ways.

26. Subject to the provisions of the principal Acts the Company may break up for the purposes of the electricity undertaking the streets and parts of streets not repairable by the local authority and the railways which are mentioned in the Second Schedule to this Act.

Power to  
supply en-  
gines motors  
fittings &c.  
for lighting  
power and  
other pur-  
poses.

27. 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 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 connexion 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 or 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 Provided that in the event of the electricity undertaking or any part thereof being purchased by the local authority the powers of this section shall not be transferred to such authority. A.D. 1913

**28.**—(1) 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 suitable and sufficient distributing mains for the purposes of general supply throughout the streets and parts of streets mentioned in the Third 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 and provided further that the Board of Trade may on the expiration of such period or extended periods as aforesaid if such mains mentioned in the Third Schedule to this Act are not then laid or evidence 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 parishes of Westgate-on-Sea and Birchington or either of them included in the area of supply and make such order as to payment by the Company of the costs of such representation as they think fit. Mains &c. to be laid down.

(2) If at the expiration of five years after the passing of this Act the Company shall not have laid down distributing mains for the purposes of general supply in the parishes of Wood (otherwise Acol) and Saint Nicholas-at-Wade included in the area of supply the Board of Trade may if they think fit order that the powers of the Company in regard to the supply



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Maximum  
price.

**29.** The maximum price to be charged by the Company for electricity supplied by them shall subject to alteration as in the schedule to the Electric Lighting (Clauses) Act 1899 provided be that stated in that behalf in the Fourth Schedule to this Act.

As to appli-  
cations by  
Company  
for electric  
lighting  
powers.

**30.** The Company if they think fit may under the provisions of the principal Acts or any other Act for the time being in force with respect to the supply of electricity make application for a Provisional Order or licence to produce and supply electricity for public and private purposes and any moneys raised under this Act may be employed for defraying the costs of any such application and for the purpose of carrying into effect the provisions of any such Provisional Order or licence granted to the Company.

PART IV.

CHANGE OF NAME OF COMPANY.

Change of  
name of  
Company.

**31.** Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act 1863 the name of the Company shall from and after the passing of this Act be the Westgate and Birchington Gas and Electricity Company.

PART V.

ADDITIONAL CAPITAL AND FINANCIAL PROVISIONS.

Power to  
Company  
to raise  
additional  
capital.

**32.** The Company may from time to time raise additional capital not exceeding in the whole forty-five thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or corporation accepting the same unless and until the full nominal amount of such share or stock together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including

any premium which may be obtained on the sale thereof the sum of forty-five thousand pounds. Provided also that the Company shall not raise by the issue of preference shares or stock a greater amount of such additional capital than twenty-two thousand pounds.

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**33.** Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act 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 capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital and the capital so created shall form part of the capital of the Company.

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same inc  
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existing  
capital.

**34.—(1)** All shares or stock created under the powers of this Act shall be issued in accordance with the provisions of this section.

New sha  
or stock  
be sold  
auction  
tender.

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

(A) Notice of the intended sale shall be given in writing to the clerk to each urban or rural district council having jurisdiction over 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 shares or stock of greater nominal value than one hundred pounds:

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(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 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 shares or stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees 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 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 for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company 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.

**35.** 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.

**36.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or stock or to the whole amount of such shares or stock as the case may be.

A.D. 1913.  
 Dividends  
 on new  
 stock or  
 shares.

**37.** The Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act 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 or six pounds in respect of every one hundred pounds actually paid up of so much of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend on the ordinary share capital which shall have fallen short of the said sum of seven pounds per centum per annum or on the preference capital which shall have fallen short of the said sum of six pounds per centum per annum.

Profits of  
 Company on  
 additional  
 capital  
 limited.

**38.—(1)** The Company may at any time borrow on mortgage of their undertaking in respect of the capital authorised by the Act of 1881 and the Act of 1882 any sum or sums not exceeding (inclusive of the sum of nine thousand seven hundred and fifty pounds borrowed under the Act of 1881 and the Act of 1882 the borrowing of which is hereby sanctioned and confirmed) the sum of thirteen thousand pounds.

Power to  
 borrow.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of the additional capital which the Company are by this Act authorised to raise any sum or sums not exceeding in the whole one-third part of the amount of such capital (including premiums) which at the time of borrowing has been raised under the powers of this Act but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under 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.

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Company  
not to con-  
vert bor-  
rowed  
money into  
capital.

**39.** Notwithstanding anything contained in the Act of 1881 and the Act of 1882 the provisions of the Companies Clauses Consolidation Act 1845 relating to the conversion of borrowed money into capital shall not apply to the moneys or any part thereof authorised to be borrowed on mortgage under the Act of 1881 or the Act of 1882 or this Act.

Repeal of  
provisions  
of Act of  
1882 with  
respect to  
appointment  
of receiver.

**40.** The provisions of the Act of 1882 by which the mortgagees of the Company are empowered to enforce payment of principal and interest or principal or interest due on their mortgages by the appointment of a receiver are 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 appoint-  
ment of  
receiver.

**41.** The mortgagees of the Company 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 three thousand pounds in the whole.

Mortgages  
to have  
priority  
over other  
debts.

**42.** 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 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 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.

Debenture  
stock.

**43.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest on all debenture stock and on all mortgages at any



time after the passing of this Act created and issued or granted by the Company under the Act of 1881 or the Act of 1882 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall 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 after the passing of this Act. A.D. 1913.

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

45. The directors may in any year without calling a meeting of the shareholders for the purpose declare an interim half-yearly dividend on any class or classes of shares or stock in the capital of the Company out of the then ascertained profits of the Company. Provided that the amount of any interim half-yearly dividend so declared shall not exceed in any one half year one half of the amount of the maximum yearly dividend payable on such shares or stock respectively. Interim dividend.

46. The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in a newspaper published within the Company's limits of supply and any transfer made during the time when the transfer books are so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend. Closing of transfer books previous to declaring interim dividend.

47. If any money is payable to a shareholder or 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 Company. Receipt in case of persons not *sui juris*.

48. Separate capital and revenue accounts shall be kept of the gas undertaking and the electricity undertaking. Separate accounts for gas and

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electricity  
under-  
takings.

The gas undertaking and the electricity undertaking respectively shall be duly credited 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.

PART VI.

MISCELLANEOUS.

Power to  
sell and  
lease lands.

49. 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 lay  
pipes and  
wires in  
streets not  
dedicated to  
public use.

50.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in the Acts of 1881 and 1882 and this Act.

(2) The Company may upon the application of the owner or occupier of any premises within the area of supply abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair or

renew in across or along or out of such street or road such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Acts 1882 to 1909 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Company under the powers of this subsection. A.D. 1

**51.**—(1) A notice to the Company from a consumer for the discontinuance of a supply of gas or 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 discontinuance of supply of gas or electricity

(2) Section 37 (Notice of discontinuance) of the Act of 1881 is hereby repealed.

**52.** In addition to the powers which the directors of the Company may exercise under the Companies Clauses Acts 1845 to 1889 or otherwise they may from time to time determine the remuneration of the secretary of the Company. Power for directors to determine remuneration of secretary.

**53.** It shall be lawful for the Company to make superannuation and other allowances and to pay pensions to any officers servants or employees of the Company who may be temporarily or permanently disabled by sickness infirmity or age and for that purpose to apply the funds and revenues of the Company. Power to make superannuation and other allowances

**54.**—(1) The directors of the Company may with the sanction of a majority of the shareholders present and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify or alter a scheme enabling the workmen servants and employees of the Company (herein-after called "employees") or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking as part of the terms of remuneration for the services of any such employee. Profit sharing

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen and shall be in writing and may be made on the part of the Company under the hands of any two directors of the Company or under the hand of the

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A.D. 1913. secretary of the Company or of any person from time to time appointed on that behalf by resolution of the board of directors of the Company.

Authentica-  
tion and  
service of  
notices by  
Company.

55. 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 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 by the name either of the secretary or of a collector of the Company 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 of 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 sum-  
mons.

56. 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 cumu-  
lative.

57. 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.

58. 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 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.

59. Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1881 or the Act of 1882 or any incorporated enactment whether provision is or

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is not made for the recovery in any specified court or manner A.D. 19  
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.

**60.** Nothing in this Act affects prejudicially any estate Crown  
right power privilege or exemption of the Crown. rights.

**61.** All costs charges and expenses of and incident to the Costs of  
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.



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The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

LANDS FOR GENERATING STATION.

A piece or parcel of land in the parish of Westgate-on-Sea in the Isle of Thanet in the county of Kent described in Part II. of the schedule to the Act of 1882 containing by admeasurement ten acres or thereabouts bounded on the east by an imaginary line beginning at a point 240 yards measured in a south-westerly direction from the south-west corner of the boundary wall of the Westgate and Birchington Waterworks and 210 yards measured from the south-west corner of the southernmost cottage of the row of cottages known as Quex Villas and proceeding in a southerly direction parallel to Gas Works Road for a distance of 242 yards thence in a westerly direction parallel to the southern boundary of the existing gasworks for a distance of 200 yards thence in a northerly direction parallel to Gas Works Road for a distance of 242 yards thence in an easterly direction by a line parallel to the southern boundary of the existing gasworks until it meets the original point of departure.

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SECOND SCHEDULE.

*List of Streets and parts of Streets not repairable by the Local Authority and of the Railways which may be broken up by the Company in pursuance of the special powers granted by this Act.*

STREETS :—

Parish of Westgate-on-Sea—

Gas Works Road Water Works Road Domneva Road Sea Road  
Beach Road Westgate Bay Avenue Sussex Gardens Rox-  
burgh Road Norman Road Saxon Road Edith Road Station  
Road Princes Terrace Chester Road Essex Road The Grove  
Westbury Road Harold Road Elm Grove St. Mildred's Road  
Ethelbert Square Ethelbert Terrace Adrian Square Ethelred  
Road Egbert Road Rowena Road Cuthbert Road Ivanhoe  
Road Gordon Grove Dent de Lion Road Cedric Road Thanet  
Road Hengist Road Dane End Road Sea Drive Carlton Road  
Ryder's Avenue Westleigh Road.

Parish of Birchington—

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St. James' Terrace Epple Bay Avenue Park Avenue Quexview Road Alexandra Road King Edward's Road Brunswick Road King's Road Mill Row Prospect Road Minnis Road from Coastguard Station to The Parade Gordon Square St. Mildred's Avenue Reculver Avenue Grenham Bay Avenue Seaview Road Hereward Avenue Harold Road Alfred Road Arthur Road Ethelbert Road Egbert Road Athelstan Road Canute Road Dane Road Horsa Road King's Avenue Queen's Avenue Hengist Road The Parade Albion Road Crescent Road Alpha Road Rossetti Road Lyell Road Darwin Road Berkeley Road Herschell Road Dallinger Road Beach Avenue Spencer Road Shakespeare Road Constable Road Wilkie Road Leslie Road Nasmyth Road Epple Bay Road Coleman Stairs Road Cross Road Galway Avenue.

Railway bridges at—

St. Mildred's Road Domneva Road Hengist Road Birchington Railway Station.

RAILWAYS:—

Level crossings—(1) between Roxburgh Road and The Grove  
(2) at St. James' Terrace (3) at Coleman Stairs Road.

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### THIRD SCHEDULE.

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*List of Streets and parts of Streets throughout which the Company are to lay down suitable and sufficient Distributing Mains for the purposes of General Supply within a Period of Three Years after the passing of this Act.*

Parish of Westgate-on-Sea—

From the existing Gasworks along the Gas Works Road Water Works Road Domneva Road Sea Road between Domneva Road and Roxburgh Road Roxburgh Road Westgate Bay Avenue from Roxburgh Road to Domneva Road Station Road from Roxburgh Road to St. Mildred's Road St. Mildred's Road from Sea Road to Station Road.

Parish of Birchington—

Birchington Square High Street from Birchington Hall to Birchington Square Station Road Beach Avenue Spencer Road from Beach Avenue to Nasmyth Road.

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FOURTH SCHEDULE.

In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive 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 fourpence and for each unit over twenty units eightpence.

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 rate 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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