



CHAPTER li.

An Act to enable the Skegness Urban District Council to acquire the undertaking of the Skegness Gas Company and to confer upon the Council powers in relation to the supply of gas. A.D. 1915
[15th July 1915.]

WHEREAS the urban district of Skegness in the county of Lincoln is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Skegness (in this Act referred to as "the Council"):

And whereas the Skegness Gas Company (in this Act referred to as "the company") were incorporated by the Skegness Gas Act 1914 (in this Act referred to as "the company's Act of 1914") and powers were conferred upon the company for the supply of gas within the parishes of Skegness and Winthorpe in the county of Lincoln:

And whereas by section 87 of the company's Act of 1914 it was provided (inter alia) that if the Council should introduce a Bill in the next session of Parliament and bonâ fide promote the same for an Act to empower the Council to purchase the undertaking of the company the company should not oppose such Bill except in so far as might be necessary in order to secure the insertion therein of clauses and amendments to protect their interests with respect to such purchase:

And whereas it is expedient that the Council should be authorised to supply gas within the district and the adjoining parishes of Croft and Winthorpe and that the undertaking of the company should be transferred to and vested in them upon the terms in this Act defined:

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And whereas it is expedient that the Council should be empowered to borrow money for the purposes mentioned in this Act:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board in pursuance of section 4 of the Borough Funds Act 1872 has been obtained:

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):—

Short title.

1. This Act may be cited as the Skegness Urban District Gas Act 1915.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 thereof shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section;

The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof).

Interpretation.

3. In construing this Act the following words and expressions have the meanings hereby assigned to them respectively

unless there be something in the subject or context repugnant to such construction (that is to say):—

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“The district” means the urban district of Skegness;

“The Council” means the urban district council of the district;

“The district fund” and “the general district rate” mean respectively the district fund and general district rate of the district;

“The company” means the Skegness Gas Company;

“The undertaking of the company” includes all the works engines mains pipes machinery lands buildings plant fixed and moveable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of the undertaking to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders and constitution of the company and except book debts or other moneys receivable on revenue account cash in hand or with the company’s bankers (other than consumers deposits) and also except moveable stock-in-trade gas coal and other stores;

“The company’s Act of 1914” means the Skegness Gas Act 1914;

“The Council’s Act of 1914” means the Skegness Urban District Council Act 1914;

Terms to which meanings are assigned by the Public Health Acts or by the Acts wholly or partially incorporated with this Act have the same respective meanings unless varied by this Act or unless there is something in the subject or context repugnant to such construction and in the Acts so incorporated with this Act the expressions “the undertakers” and “the promoters of the undertaking” shall for the purposes of this Act mean the Council.

4. The limits of this Act for the supply of gas (in this Act referred to as “the gas limits”) shall be the district and the parishes of Croft and Winthorpe in the county of Lincoln.

Limits of Act.

5.—(1) The company shall sell to the Council and the Council shall purchase the undertaking of the company subject

Council to purchase

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—
undertaking
of company.

to all their then existing debentures mortgages obligations and liabilities (other than on revenue account) for such price or consideration being a sum in gross and on and subject to such terms and conditions as may be agreed upon between the company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the undertaking of the company.

(2) Within six months after the passing of this Act the Council shall serve upon the company notice of their intention to purchase the undertaking of the company.

(3) In addition to the purchase price or consideration the Council shall pay to the company the taxed costs charges and expenses of procuring any amendment of the Bill for this Act and of and incident to the transfer of the undertaking and the reasonable costs of the winding-up of the company such last-mentioned costs not exceeding the sum of one hundred pounds.

(4) The Council shall pay the purchase money to the company on such day as may be agreed between the Council and the company or failing agreement on the twenty-fourth day of March the twenty-third day of June the twenty-eighth day of September or the twenty-third day of December which shall first happen after the expiration of three months from the determination by agreement in writing or by the award of the arbitrators or umpire of the amount of the purchase money and upon such date the undertaking of the company shall by virtue of this Act become and shall be transferred to and thenceforth vested in the Council subject to all their then existing debentures mortgages and obligations and liabilities (other than on revenue account) and such transfer and vesting are in this Act referred to as "the transfer" Provided that if the Council shall not pay the said purchase money on the date so agreed or fixed as aforesaid they shall pay interest thereon at the rate of five pounds per centum per annum until payment.

(5) The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors of the company or by the cashier of the Bank of England shall (unless it be proved

that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer. A.D. 1915.

6. Notwithstanding anything in this Act the Council shall not under the powers of this Act raise or borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained: Council not to borrow during continuance of war.

Provided that if the Treasury in pursuance of this section refuse their consent to the borrowing by the Council of the money required for paying the purchase money the company shall not be entitled to require the Council to pay the purchase money until such consent is given or the necessity for such consent ceases.

7. The Council shall purchase and take over all moveable stock-in-trade gas coal and other stores belonging to the Company at the date of the transfer at such price as failing agreement shall be settled by a valuer to be agreed upon between the parties or failing agreement to be nominated by the President of the Institution of Civil Engineers upon the application of either party. Purchase of stock-in-trade.

8. The Council shall pay compensation to any officers and servants (except servants in receipt of weekly wages) in the regular and exclusive employment of the company who shall not be retained by the Council in the same or similar office or employment and at the salary and on the terms and conditions in and on which they respectively were employed by the company on the first day of November one thousand nine hundred and fourteen in respect of any loss of office or diminution of salary or income by reason of the transfer of the undertaking of the company to the Council the amount of such compensation in default of agreement to be determined by arbitration in accordance with the provisions of the Arbitration Act 1889 and in fixing such compensation the arbitrator shall take into account any reasonable offer by the Council to continue any such officer in their employment. Compensation to officers.

9. All debentures mortgages and obligations and liabilities (other than on revenue account) secured upon or affecting the undertaking or due from or payable by the company which at the date of the transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the Council Liabilities to be defrayed by Council.

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and the Council shall indemnify the company against the same and if at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Council as and when it might have been continued prosecuted and enforced by against or in favour of the company if this Act had not been passed.

Receipt for purchase money.

10. The receipt in writing of two directors of the company for the purchase price of the undertaking of the company or for any other sum of money to be paid to the company by the Council in pursuance of this Act shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of the two directors of the company.

Contracts to be binding upon Council.

11. Subject to the provisions of this Act all purchases sales conveyances grants assurances deeds contracts bonds and agreements entered into or made and subsisting in respect of the undertaking of the company at the date of the transfer and then in force shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto.

Maintenance of undertaking by company till transfer.

12. Until the transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business with all due care but the company shall not without the previous consent of the Council raise any further share capital or make or enter into any contract agreement or other obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking but notwithstanding anything in this section the company shall be entitled to raise sums by

borrowing in accordance with the provisions of subsection (3) of section 87 of the company's Act of 1914. A.D. 1915.

13. The company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the transfer and shall be entitled to all rents profits and other receipts on revenue account from the undertaking up to the transfer and when necessary for the purpose of giving effect to this enactment such outgoings rents profits and receipts shall be apportioned between the company and the Council and any such rents profits or sums of money attributable to the period prior to the transfer but not due or payable at the time of transfer may when due be recovered by the Council who shall pay to the company the proportion of such rents profits and sums of money due to them up to the time of the transfer.

Company to pay outgoings and to be entitled to revenue till transfer.

14. All documents books and writings which if the transfer had not been made would have been receivable in evidence in respect of any matter for or against the company shall after the transfer be admitted in evidence in respect of the same and the like matter for or against the Council.

Books and documents to remain evidence.

15. As from the transfer the company's Act of 1914 is hereby repealed except so far as may be necessary to enable the company to wind up their affairs and except the sections of the company's Act of 1914 specified in the Second Schedule to this Act which sections shall apply to the gas undertaking of the Council and to the Council in respect thereof as if the same were re-enacted in this Act and shall have effect as if the Council had been named therein instead of the company.

Repeal of company's Act of 1914 with savings.

16. After the transfer the company shall subject to the provisions of this Act be wound up under and in accordance with the provisions of and in the same manner and with the same incidents as if the company were a company registered under the Companies (Consolidation) Act 1908 and had on the transfer duly passed a special resolution requiring the company to be wound up voluntarily and for the purpose of such winding up the company shall from and after the passing of this Act be deemed to be registered in England under the said Act and for the purpose of calling and holding meetings and passing resolutions and other matters incident to such winding up resolutions of meetings of the company convened and held in pursuance of and in accordance with the provisions contained

Winding up of company.

A.D. 1915. — in the company's Act of 1914 may and shall take effect as resolutions of a company duly registered.

Powers to maintain gasworks and convert residual products.

17.—(1) Subject to the provisions of this Act the Council may upon the lands described in the First Schedule to this Act erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of this Act.

(2) The Council may also upon the said lands—

(a) Work up and convert the residual products arising directly or indirectly from the manufacture of gas by them ;

(b) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Council are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Council in any year shall not exceed one third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them ;

(c) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid :

But the Council shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Council or purchased from other gas undertakings is merely subsidiary.

Quality of gas.

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

Testing place.

19. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Council on the lands described in the First Schedule to this Act before supplying or within three months after beginning to supply gas under the authority of this Act.

Testing quality.

20.—(1) The quality of the gas supplied by the Council 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. A.D. 1915.

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

21. The price to be charged by the Council for gas supplied by them to consumers shall not exceed four shillings and threepence per one thousand cubic feet and so on in proportion for any less quantity supplied Provided nevertheless that every fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet. Maximum price.

22. The Council shall keep separate records of the gas supplied to private consumers and for public lighting respectively The price charged for gas for public lighting shall not be less than that charged to private consumers for lighting purposes by more than ten per centum. Price of gas for public supply.

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

(2) The Council may enter into contracts for the execution of any of the powers of this section and shall not themselves lay any pipes on the consumer's premises except between the main of the Council and the consumer's meter nor shall they sell any such gas fittings as aforesaid except through a contractor.

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

(4) Provided as follows:—

(a) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(b) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer:

(c) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Council for that year.

Supply to
users of
gas suction
plant.

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

Power to
borrow.

25.—(1) The Council may from time to time independently of any other borrowing power borrow at interest any sum or

sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

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- (i) For the purchase of the undertaking of the Company and defraying the costs and expenses incident to such purchase and to the transfer (other than the costs of this Act) the sum necessary for the purpose;
- (ii) For the purpose of discharging any debentures mortgages obligations and liabilities subject to which the undertaking is transferred to the Council such sum as may be required;
- (iii) For and in relation to the laying of mains and other works for the distribution of gas the sum of five thousand pounds;
- (iv) For paying the costs charges and expenses of this Act and the costs charges and expenses incurred by the Council in opposing the company's Act of 1914 the sum necessary for that purpose;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may charge the revenue of their gas undertaking and the district fund and the general district rate.

26. The Council shall pay off all moneys borrowed by them under this Act and provide for the discharge of any debentures mortgages obligations and liabilities of the company subject to which the undertaking is transferred to the Council within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

Periods for discharge of loans.

As to moneys borrowed for the purpose (i) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty-five years from the date or dates of borrowing the same:

As to any debentures mortgages obligations and liabilities of the company transferred to the Council and any moneys borrowed for the purpose (ii) in the said section mentioned within thirty-five years from the transfer:

As to money borrowed for the purpose (iii) in the said section mentioned within thirty years from the date or dates of borrowing the same:

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As to money borrowed for the purpose (iv) in the said section mentioned within five years from the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Application of provisions of Council's Act of 1914.

27. The following provisions of the Council's Act of 1914 with any necessary modifications shall extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Section 48 (Application of provisions of Act of 1908).

Separate accounts to be kept and audited.

28. The Council shall keep separate accounts of their receipts and expenditure from or in respect of their gas undertaking on capital and revenue account and the accounts shall be audited in each year in the same manner as the other accounts of the Council are audited and subject to the provisions relating thereto.

Application of gas revenue.

29.—(1) All moneys from time to time received by the Council by way of revenue in respect of their gas undertaking under this Act shall be applied to and for the following purposes:—

In payment of the working and establishment charges (that is to say) of the expenses properly chargeable to revenue of constructing continuing conducting managing and maintaining the gasworks:

In payment of the interest on the moneys borrowed or reborrowed for the purposes of this Act or on any debentures or mortgages of the company transferred to the Council:

In providing for the discharge of any debentures or mortgages of the company transferred to the Council or any moneys borrowed or reborrowed for the purposes of this Act in accordance with the provisions of this Act or if those moneys were borrowed thereunder of the Local Loans Act 1875:

In providing a reserve fund if the Council think fit by setting aside such sum as they consider reasonable to meet any extraordinary expenditure in connection with their gas undertaking or for renewals of the works and plant Provided that such reserve fund shall be accumulated by way of compound interest by investment in

securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 (but exclusive in every case of the securities of the Council) until it amounts according to the market price of the investments to a sum equal to one fifth of the aggregate capital expenditure for the time being upon the undertaking and that whenever the reserve fund amounts according to the market price of the investments to such sum the income therefrom shall be applied in the same manner as money received by the Council by way of revenue under this Act. A.D. 1915.

(2) The Council shall carry to the credit of the district fund so much of any balance remaining in any year of the revenue arising from their gas undertaking as may in the opinion of the Council not be required for carrying on the gas undertaking and paying the current expenses connected therewith.

(3) Any deficiency in the revenue or receipts of the Council on account of their gas undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup the district fund the amount to be made good out of that fund.

30. The following sections of the Skegness Urban District Council Act 1908 are incorporated with this Act and shall apply as if the same with the necessary modifications were set out in this Act (namely):—

Incorporation of certain sections of Act of 1908.

- Section 76 (Persons acting in execution of Act not to be liable);
- Section 77 (Damages and charges to be settled by court);
- Section 78 (Penalties to be paid to treasurer);
- Section 79 (Recovery of penalties);
- Section 81 (Saving for indictment);
- Section 82 (Judges &c. not disqualified);
- Section 84 (Recovery of demands in county court);
- Section 85 (Inquiries by Local Government Board);
- Section 86 (Expenses incurred by Council);
- Section 87 (Crown rights).

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For protec-
tion of Great
Northern
Railway
Company.

31. In the event of the Council desiring to erect any permanent buildings or works on that part of the lands described in the First Schedule to this Act which adjoins the Great Northern Railway they shall give three months' previous notice in writing to the Great Northern Railway Company and they shall give that company the option to purchase so much of the said lands not exceeding a strip twelve feet in width as the company may require for widening their railway and the price to be paid therefor shall be such sum as may be agreed or settled by arbitration under the provisions of the Lands Clauses Acts.

Expenses of
Act.

32. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 and the costs charges and expenses incurred by the Council in opposing the company's Act of 1914 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1915.

THE FIRST SCHEDULE.

GASWORKS LANDS.

A piece or parcel of land situate in the parish of Skegness in the county of Lincoln containing by admeasurement one acre three roods twenty-eight perches or thereabouts now in the occupation of the company and held by them under lease from Viscount Lumley bearing date 4th October 1880 for the term of 99 years from the 6th day of April 1878 which piece or parcel of land is bounded on or towards the north partly by Alexandra Road and partly by lands belonging or reputed to belong to the Great Northern Railway Company on or towards the east by lands belonging or reputed to belong to the said Great Northern Railway Company on or towards the south by lands belonging or reputed to belong to the Earl of Scarbrough and on or towards the west in part by lands belonging or reputed to belong to the Earl of Scarbrough and in other part by lands now or late belonging to or reputed to belong to Sam John King or his representatives.

THE SECOND SCHEDULE.

SECTIONS OF THE COMPANY'S ACT OF 1914 WHICH ARE NOT REPEALED AND WHICH MAY BE EXERCISED BY THE COUNCIL.

- Section 50 Power to purchase freehold of gasworks land.
- Section 51 Period for compulsory purchase of lands.
- Section 52 Power to purchase lands by agreement.
- Section 53 Power to sell and lease lands.
- Section 54 Power to lay pipes &c. for purposes ancillary to business of company.
- Section 55 Power to lay pipes in private streets.
- Section 56 For protection of commissioners of sewers for county of Lincoln.
- Section 57 For protection of Spilsby Rural District Council.

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- A.D. 1915. Section 58 For protection of Great Northern Railway Company.
Section 61 Company to provide apparatus for testing calorific power.
Section 62 Calorific power.
Section 63 Provisions as to testing for calorific power.
Section 64 Penalties for deficient calorific power.
Section 65 Pressure of gas.
Section 66 Saving as to penalties.
Section 68 Consumers to give notice to company before removing.
Section 69 Power to refuse supply to persons in debt for other premises.
Section 70 Notice to discontinue supply.
Section 71 Period of error in defective gas meters.
Section 72 Anti-fluctuators for gas engines.
Section 73 Power to enter premises and remove fittings.
Section 74 Supply of gas where consumer has separate supply.
Section 75 Company may contract with local authority &c. for supply in bulk.

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