

**CHAPTER xcvi.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Cheadle Gas Heathfield and Waldron Gas Liverpool Gas Mid Kent Gas Light and Coke Rothwell Gas and Fisherton Anger and Bemerton Waterworks. A.D. 1915.  
[29th July 1915.]

**W**HEREAS under the authority of the Gas and Water Works Facilities Act 1870 (as extended with respect to the Liverpool Gas Order by the Liverpool Gas Act 1914) the Board of Trade have made the Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict.  
c. 70.

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

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

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

**1.** This Act may be cited as the Gas and Water Orders Confirmation (No. 3) Act 1915. Short title.

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

A.D. 1915.  

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**SCHEDULE.**  

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**LIST OF ORDERS.**  

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CHEADLE GAS.—Order authorising the maintenance and continuance of existing gasworks and works connected therewith and the manufacture and supply of gas in the parish of Cheadle in the county of Stafford.

HEATHFIELD AND WALDRON GAS.—Order empowering the Heathfield and Waldron Gas Light and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the parishes of Heathfield and Waldron in the county of Sussex and for other purposes.

LIVERPOOL GAS.—Order extending the limits of supply of the Liverpool Gas Company empowering the Company to acquire the gas undertaking of the Liverpool Corporation in the township of Fazakerley and for other purposes.

MID KENT GAS LIGHT AND COKE.—Order empowering the Mid Kent Gas Light and Coke Company to raise unissued capital by preference shares and for other purposes.

ROTHWELL GAS.—Order empowering the Rothwell Gas Light Company to raise additional capital and for other purposes.

FISHERTON ANGER AND BEMERTON WATERWORKS.—Order increasing the capital of the Fisherton Anger and Bemerton Waterworks Company and for other purposes.



## CHEADLE GAS.

A.D. 1915.

*Order authorising the maintenance and continuance  
of existing gasworks and works connected therewith and the  
manufacture and supply of gas in the parish of  
Cheadle in the county of Stafford.*

Cheadle.

*Preliminary.*

1. This Order may be cited as the Cheadle Gas Order 1915. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commencement of Order.
3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by or are inconsistent with this Order) and the provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order: Incorporation of Acts.

Provided that section 13 of the Gasworks Clauses Act 1847 for the purposes of its incorporation with this Order shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Undertakers shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.
4. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated with this Order or by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall mean the undertaking by this Order authorised (including the gasworks and works connected therewith by this Order authorised to be continued Interpretation.

A.D. 1915. and maintained) and the expression "the authorised rates" means the  
 Cheadle. rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Limits of Order.

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

Undertakers.

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

#### *Capital.*

Capital.

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

Additional capital to be sold by auction or tender.

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

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

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

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



(c) No lot offered for sale shall comprise shares or stock of greater total nominal value than one hundred pounds: A.D. 1915.

*Cheadle.*

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

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

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

(4) Any shares or stock which have been offered 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 Undertakers shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

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

Application of premium arising on issue of shares or stock.

A.D. 1915.

*Cheadle.*Limit of  
dividends on  
capital.

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

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

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

Limit of  
borrowing  
powers.

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

Consent of  
Treasury to  
raising of  
money.

13. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

*Lands.*Power to  
purchase  
lands by  
agreement.

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



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

A.D. 1915.

*Cheadle.*

15.—(1) Subject to the provisions of this Order the Undertakers may upon the lands described in Schedule A. to this Order annexed so long as they are possessed of the same 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 supply.

Powers to  
maintain  
gasworks  
and convert  
residual  
products.

(2) The Undertakers may also—

(a) Upon the said lands so long as they are possessed of the same 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 on the said lands manufacture other products of the same kind as the Undertakers are manufacturing from their own residual products:

(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 Undertakers 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 Undertakers or purchased from other gas undertakings is merely subsidiary.

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

For pro-  
tection of  
Staffordshire  
County  
Council.

(1) All mains pipes and works to be laid in or along any main road or in or upon or across any county or main road bridge shall so far as practicable be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:

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



loss to which the Undertakers may be put in carrying out such alteration of position if and so far as it may be reasonably necessary so to do in order to enable the county council to carry out the work or works as aforesaid or in order to avoid undue expense in carrying out the same Provided that during the alteration deviation draining widening reconstruction or improvement of such main road the county council shall at the cost of the Undertakers afford all reasonable facilities for temporarily carrying such mains pipes or works along the main road so as not to interrupt the continual supply of gas or to diminish the pressure of such supply through such mains or pipes:

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*Cheadle.*

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

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*Cheadle.*

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



of any injury which may be caused to any mains pipes or other works belonging to the Undertakers through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance :

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

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

For protection of Cheadle Rural District Council.

- (1) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any district road be not less than seven clear days instead of three clear days :
- (2) If the Undertakers in the execution of any works in or affecting any such road as aforesaid shall cause any damage injury or disturbance to such road and shall neglect or refuse to make good all such damage injury or disturbance in accordance with the provisions of the Gasworks Clauses Act 1847 then it shall be lawful for the district council after fourteen days' notice to the Undertakers of the alleged neglect or refusal and of the works which they propose to execute to do all works reasonably necessary for making good all such damage injury or disturbance and the Undertakers shall repay to the district council all such costs charges and expenses which the district council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence :
- (3) If any difference arises at any time between the district council and the Undertakers touching this section or anything to be done thereunder such difference shall be settled

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by the arbitration of an engineer to be agreed upon between the district council and the Undertakers or failing agreement to be appointed by the Board of Trade on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to the arbitration.

Differences  
with road  
authority &c.

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

*Pressure and Testing of Gas.*Pressure of  
gas.

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

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

Testing for  
calorific  
power.

20.—(1) The provisions of section 12 of the Gasworks Clauses Act 1871 with reference to the testing for the illuminating power shall not apply to the Undertakers and sections 28 to 33 of that Act shall in their application to the Undertakers be construed as if calorific power were therein mentioned in lieu of illuminating power.

(2) The standard calorific power of the gas supplied by the Undertakers shall be five hundred British thermal units gross per cubic foot (the expression "British thermal units" being used in this Order as meaning British thermal units gross per cubic foot).

(3) The following provisions shall apply with respect to the testing for calorific power of the gas supplied by the Undertakers and to forfeitures in respect of deficient calorific power of such gas:—

(a) The Undertakers shall provide and shall thereafter keep and maintain at a testing place at the works of the Undertakers (which shall for the purposes of the Gasworks Clauses Act 1871 be the prescribed testing-place) apparatus for testing the calorific power of the gas supplied by them similar to the apparatus for the time being prescribed by



the Metropolitan Gas Referees for testing the calorific power of gas and the gas shall be tested in the mode and under the conditions for the time being prescribed by the said referees :

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*Cheadle.*

- (b) Any gas examiner appointed under the Gasworks Clauses Act 1871 may by means of the said apparatus test the calorific power of the gas supplied by the Undertakers at the testing-place at any time between the hours prescribed by section 29 of that Act but subject as next provided not more than one testing for calorific power shall be made on any day :
- (c) If on any testing the said calorific power is found to be below the standard calorific power the gas examiner shall forthwith give notice thereof to the Undertakers and a second testing shall be made on the same day after an interval of not less than one hour from the time of making the first testing and the average of the two testings shall be deemed to be the calorific power of the gas on that day :
- (d) The gas examiner shall on the day immediately following that on which any testing has been made under this section deliver a report of the results of his testing to the Undertakers and to the local authority or the justices by whom he was appointed and such report shall be receivable in evidence :
- (e) If on any testing in the manner and subject to the conditions prescribed by this section the calorific power of the gas on any day is below the standard calorific power the Undertakers shall be liable to forfeitures in respect of any deficiency as herein-after mentioned :
- (f) The forfeitures to which the Undertakers shall be liable in respect of any such deficiency shall not exceed the following (that is to say):—

Where the deficiency does not exceed fourteen British thermal units a sum of two pounds ;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum of five pounds ;

For each complete twenty-eight British thermal units of defective power a sum not exceeding ten pounds :

- (g) Any forfeiture under the provisions of this section may be sued for and recovered in the same manner as is provided by section 36 of the Gasworks Clauses Act 1871 for the recovery of penalties under that Act.

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*Cheadle.*Power to  
Board of  
Trade to vary  
standard  
calorific  
power.

21. If within one month after the expiration of a period of three years from the commencement of this Order or after the expiration of any subsequent period of three years either the Undertakers or any local authority within or partly within the limits of supply shall desire that the standard calorific power prescribed by the section of this Order of which the marginal note is "Testing for calorific power" shall be reduced or increased and shall give to the Undertakers and to the Board of Trade notice in writing of such desire it shall be lawful for the Board of Trade after hearing the parties and considering any representations made by any of them by order under the hand of an assistant secretary to reduce or increase the amount of the said standard calorific power to such extent as to the said Board may seem fit and the said Board may by such order make all such modifications of this Order as may be necessary in consequence of any such reduction or increase as aforesaid and may also direct the manner in which the costs charges and expenses of the said parties and of the said Board of and incidental to any such application and any inquiry held by or under the direction of the said Board in connexion therewith shall be borne.

Exemption  
from  
penalties in  
certain cases.

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

*Price of Gas.*

Price of gas.

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

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



in the London Gazette and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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*Cheadle.*

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

Charge for  
gas supplied  
by means of  
prepayment  
meters.

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

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

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

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

25. The price to be charged by the Undertakers for gas supplied by them to any local authority for public lighting within the limits of supply shall in no case exceed four fifth parts of the highest price for the time being charged by the Undertakers for gas supplied through ordinary meters within the limits of supply.

Charge for  
public  
lighting.*Miscellaneous.*

26.—(1) The Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings (in this section called "fittings") for lighting motive power 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.

A.D. 1915.

*Cheadle.*Fittings not  
to be subject  
to distress.

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

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

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

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

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

28. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Power to  
take licences  
for use of  
patents.

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

Power to  
contract for  
sale of gas  
in bulk.

30. The Undertakers may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the limits of supply for the supply



to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Undertakers to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

A.D. 1915.

—  
*Cheadle.*

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

As to supply to users of suction gas plant.

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

Supply of gas where consumer has separate supply.

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

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

- (1) The Undertakers may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Undertakers' mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Undertakers may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published once in each of two newspapers circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Undertakers:



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*Cheadle.*

- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Undertakers' main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Undertakers and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Undertakers. Any officer of the Undertakers duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Undertakers' specification or if the meter is not placed as required by this section the Undertakers may refuse to supply gas to the premises until the provisions of this section have been complied with:
- (6) Any person to whom the Undertakers refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Undertakers' specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Anti-fluctua-  
tors for gas  
engines.

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

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

35. At least twenty-four hours' notice shall be given to the Undertakers by every gas consumer either personally at the office of the Undertakers or in writing before he shall quit any premises supplied with gas by meter by the Undertakers and in default of such notice the consumer so quitting shall be liable to pay to the Undertakers the money accruing due in respect of such supply up to the



next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Undertakers to supply gas to such premises whichever shall first occur. Provided that notice of the provisions of this section shall be endorsed upon every demand note for gas charges payable to the Undertakers.

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*Cheadle.*

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

Notice of discontinuance.

37. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Undertakers. Provided that if and so long as the Undertakers shall take meter readings half-yearly instead of quarterly this section shall be read and construed as though the words "half-year" were substituted therein for the word "quarter."

Period of error in defective meters.

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

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

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

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

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

Undertakers to pay interest on deposits.

A.D. 1915.

*Cheadle.*8 Vict. c. 16.  
s. 140 incor-  
porated.Power to sell  
undertaking  
to local  
authority.

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

42. The Undertakers shall be at liberty at any time by agreement between the parties to sell the undertaking to any local authority within or partly within the limits of supply and duly authorised to purchase the same and the said authority shall then be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as the Undertakers were immediately prior to such sale.

Saving as to  
general Acts.

43. Nothing in this Order shall exempt the Undertakers from the provisions of any general Act relating to the supply of gas which may be passed in this or any future session of Parliament.

Costs of  
Order.

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

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The SCHEDULES referred to in the foregoing Order.

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SCHEDULE A.

GAS LANDS.

(1) A piece or parcel of land belonging or reputed to belong to and in the occupation of the Undertakers and upon which their existing gasworks are erected situate in the parish of Cheadle in the county of Stafford containing 1,771 square yards or thereabouts bounded on the north by the road leading from Cheadle to Dilhorne on the west by property belonging or reputed to belong to Arthur Rushton on the south by property belonging or reputed to belong to Thomas Bibbey and on the east by the piece or parcel of land herein-after secondly described.

(2) A piece or parcel of land belonging or reputed to belong to and in the occupation of the Undertakers situate in the said parish of Cheadle containing 3,340 square yards or thereabouts bounded on the north by the road leading from Cheadle to Dilhorne and by property belonging or reputed to belong to the trustees of Enoch Carnwell deceased on the west by the piece or parcel of land herein-before firstly described and property belonging or reputed to belong to Thomas Bibbey on the east by the footpath dividing the said piece or parcel of land secondly described from other land belonging or reputed to belong to the Undertakers and on the south-east by property belonging or reputed to belong to the trustees of James Keys deceased.

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## SCHEDULE B.

A.D. 1915.

*Cheadle.*

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

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

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

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

Price of gas with sliding scale as to dividend.

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

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

And in respect of any year during the whole of which the price charged by the Undertakers shall have been one penny or more below the standard price the dividend payable by the Undertakers may in respect of each penny by which the price shall have been reduced be increased above the standard rates of

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*Cheadle.*

dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds.

Power to  
create a  
special pur-  
poses fund.

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

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

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

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

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

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

Application  
of excess of  
profits over  
authorised  
rates of  
dividend.

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

Provided that the sum standing to the credit of such divisible profits shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

Power to create  
a reserve fund  
and application  
thereof.

5. When in any year the dividend of the Undertakers on their ordinary capital shall exceed the standard rates by reason of the price charged by the Undertakers for gas in such year being below the standard price then out of the amount of the divisible profits of the



Undertakers applicable to the payment of such excess of dividend the Undertakers may in such year set apart such sum as they think fit and all sums (if any) so set apart by the Undertakers and any reserve fund of the Undertakers existing at the specified date in relation to the undertaking may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers shall be insufficient to enable the Undertakers in such year to pay the dividend at the authorised rates on their ordinary capital and save as by this schedule specially provided no sum shall in respect of the undertaking in any year be carried by the Undertakers to any reserve fund.

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*Chad'e.*

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

Saving of  
existing  
contracts.

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### HEATHFIELD AND WALDRON GAS.

*Order empowering the Heathfield and Waldron Gas Light and Coke Company Limited to maintain and continue gasworks and to manufacture and supply gas within the parishes of Heathfield and Waldron in the county of Sussex and for other purposes.*

*Heathfield  
and Waldron.*

1. This Order may be cited as the Heathfield and Waldron Gas Order 1915.

Short title.

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

Commence-  
ment of  
Order.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order (except where the same are expressly varied by this Order or are inconsistent with this Order) and the said provisions of the said Gasworks Clauses Acts shall

Incorporation of Acts.

A.D. 1915. apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order:

*Heathfield  
and Waldron.*

Provided that section 13 of the Gasworks Clauses Act 1847 shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the company shall be alike in terms and amount under like circumstances to all consumers" were added at the end of that section.

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

Interpreta-  
tion.

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

Limits of  
supply.

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

Provisions in  
case of mains  
not being laid  
within a  
limited  
period.

6. If at any time after the expiration of five years from the commencement of this Order the Undertakers have not laid down mains for the supply of gas in any part of the parishes within the limits of supply this Order shall not be deemed to prevent any company person or local authority having statutory power so to do from applying for an Act of Parliament or Provisional Order for the purpose of providing a supply of gas in any such part of those parishes and the Undertakers shall not oppose otherwise than upon details any application by the council of any urban district in which any such parish or any part thereof may hereafter be comprised or any company or person for an Act of Parliament or a Provisional Order for the purpose of providing such supply and for the repeal of the powers of the Undertakers in that behalf.



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*Undertakers.**Heathfield  
and Waldron.*

7. The Heathfield and Waldron Gas Light and Coke Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Undertakers.

*Capital.*

8. The share capital of the Undertakers for the purposes of the undertaking shall not exceed fifteen thousand pounds consisting of the share capital of five thousand pounds already raised by the Undertakers (in this Order referred to as "the original capital") and of additional capital (in this Order referred to as "the additional capital") to be issued subject to the provisions of this Order not exceeding ten thousand pounds including any premium which may be obtained on the sale of any shares or stock under the provisions of this Order unless the Undertakers are hereafter authorised to raise for such purposes further additional capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament.

Capital.

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

New shares  
or stock to  
be sold by  
auction or  
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 Undertakers shall by special resolution determine Provided as follows:—

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

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

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

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*Heathfield  
and Waldron.*

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

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

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of the ordinary and preference shares or stock of the Undertakers in manner prescribed by a resolution passed by the directors of the Undertakers and to the employees of the Undertakers and to the consumers of gas supplied by the Undertakers in such proportions as the directors of the Undertakers may think fit or to one or more of these classes of persons only. Provided 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 of the Undertakers may determine for the purpose of realising the best price obtainable.

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

Application  
of money.

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

Limit of  
dividend.

11. Except as by this Order expressly provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on their capital than the following (in this Order referred



to as "the standard rates of dividend") namely ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital and six pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as preference capital.

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*Heathfield  
and Waldron.*

12. Unless and until the Board of Trade shall under the provisions of this Order make an order fixing a standard price with sliding scale as to profits the Undertakers may make up the deficiency of any previous dividend upon the ordinary share capital in any year within five years of the payment of such deficient dividend.

Restriction  
on making up  
deficiencies  
in dividends  
of previous  
years.

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

Dividends  
on different  
classes of  
ordinary  
capital to be  
paid propor-  
tionately.

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

Limit of  
borrowing  
powers.

15. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order except for the payment of the costs charges and expenses referred to in the section of this Order of which the marginal note is "Costs of Order" unless the consent of the Treasury has been previously obtained.

Consent of  
Treasury to  
raising of  
money.*Lands and Works.*

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

Power to  
purchase  
additional  
lands.

A.D. 1915.

*Heathfield  
and Waldron.*  
Powers to  
maintain gas-  
works and  
convert  
residual  
products.

17. Subject to the provisions of this Order the Undertakers may—

- (a) Upon the lands described in Schedule A to this Order annexed so long as they are possessed of the same maintain alter enlarge improve renew or discontinue their existing gasworks and works connected therewith and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply:
- (b) Upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them:
- (c) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith upon the said lands manufacture other products of the same kind as the Undertakers are manufacturing from their own residual products:
- (d) 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 or purchased as aforesaid.

But the Undertakers 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 Undertakers or purchased from other gas undertakings is merely subsidiary.

Difference  
with railway  
and other  
companies.

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

For pro-  
tection of  
London  
Brighton  
and South  
Coast  
Railway  
Company.

19. For the protection of the London Brighton and South Coast Railway Company (herein-after referred to as "the Brighton Company") the following provisions shall have effect:—

- (1) All works executed in pursuance of this Order or of any Act incorporated therewith and involving interference with or in any way affecting the railways bridges roads approaches level crossings works lands and property of the Brighton



Company (herein-after together referred to as "the railways of the Brighton Company") and all works of maintenance repair renewal and removal involving such interference or affection (the said works executed in pursuance of this Order or of any incorporated Act and the said works of maintenance repair renewal or removal being herein-after referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Brighton Company (herein-after referred to as "the engineer") and according to plans to be previously submitted to and approved by him in writing within one month after such submission or in case of difference as may be determined by arbitration in manner herein-after provided:

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*Heathfield*  
*and Waldron.*

- (2) The said works shall be done by and at the expense of the Undertakers who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the Brighton Company and shall notify such desire to the Undertakers the said works in respect of which the engineer shall have notified such desire shall be done or carried out by the Brighton Company accordingly at the cost of the Undertakers:
- (3) The Undertakers shall bear and on demand pay to the Brighton Company all costs of the superintendence by the engineer of the said works when the same are done or carried out by the Undertakers and all proper costs of watching lighting and protection of the railways of the Brighton Company during the carrying out of the said works but such superintendence by the Brighton Company shall not relieve the Undertakers from liability for any accident which may be occasioned by or through the said works or by their contractors agents and workmen:
- (4) If any injury or interruption of traffic shall arise from or be in any way owing to the said works or to the bursting leakage or failure of any mains pipes apparatus or works of the Undertakers the Undertakers shall make full compensation to the Brighton Company in respect thereof:

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- (5) The Undertakers shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any mains pipes apparatus or works of the Undertakers in over upon across or under the railways of the Brighton Company:
- (6) The Brighton Company may at any time or times hereafter upon giving to the Undertakers not less than twenty-one days' notice thereof in writing signed by the engineer call upon the Undertakers to divert or alter the level of any main pipe apparatus or other work of the Undertakers passing in over upon across or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs renewals widenings alterations or extensions of the railways of the Brighton Company which they may think necessary and the Undertakers shall upon receipt of such notice carry out the diversion or alteration in all things at the cost of the Undertakers and the Brighton Company shall not be liable to pay any compensation in respect thereof:
- (7) Notwithstanding anything contained in this Order or in any Act incorporated therewith the Undertakers shall not enter upon take or use for any purpose the railways of the Brighton Company or any part thereof without the consent in writing of the Brighton Company first obtained:
- (8) Any dispute or difference which may arise between the Undertakers and the Brighton Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Undertakers and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Undertakers and the Brighton Company or either of them.

For protec-  
 tion of East  
 Sussex  
 County  
 Council.

20. The following provisions for the protection of the county council of the administrative county of East Sussex (in this section referred to as "the county council") shall unless otherwise agreed between the Undertakers and the county council apply and have effect (that is to say):—

- (1) All new mains pipes and works (not being replacements of existing mains pipes or works) of the Undertakers to be laid in or along any main road or in or upon or across



any county bridge or approach vested in the county council shall be laid in such position in under or at the side thereof as the county council shall in writing under the hand of their surveyor reasonably direct :

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*and Waldron.*

- (2) The notice required by section 8 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets shall in the case of any such road or bridge approach be not less than seven days instead of three days and in the case of any such bridge fourteen days instead of three days :
- (3) The plan required by section 9 of the Gasworks Clauses Act 1847 shall include a section showing the intended level of the proposed works of the Undertakers and the surface of the ground in connection therewith :
- (4) All works shall be so executed by the Undertakers as not to stop or unreasonably interfere with the traffic on any such road or over any such bridge or approach and the Undertakers shall not without the consent of the county council under the hand of their surveyor break up at any one time a greater consecutive length than two hundred yards of any such road bridge and approach :
- (5) Nothing in this Order shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any such road or to remove alter widen or rebuild any such bridge or approach in alongside over under or near to which any such works of the Undertakers are laid or carried and in the event of any such road bridge or approach in alongside over under or near to which any such works are laid or carried being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Undertakers shall within such reasonable time as the surveyor of the county council may prescribe alter such works to such position as he may reasonably fix and replace the same to his reasonable satisfaction :

Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such road bridge or approach shall be commenced the county council shall (except in cases of emergency) give twenty-one days' notice in writing to the Undertakers of their intention to carry out such works and if in order to avoid interruption to the supply of gas by the Undertakers it is in the opinion of such surveyor necessary to

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temporarily remove any works belonging to the Undertakers from such road bridge or approach then the Undertakers shall (and they are hereby authorised so to do) temporarily carry their mains pipes or works across such bridge or by the side of such road bridge or approach in such 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 and shall be approved of by the county surveyor :

Provided that in the case of the diversion improvement alteration widening or reconstruction of any road or approach to any bridge the county council shall repay to the Undertakers any expense reasonably incurred by them in complying with any requirement of the said surveyor under this subsection or in temporarily carrying their mains pipes or works by the side of such road or approach :

- (6) If any difference shall arise between the county council and the Undertakers under this section such difference shall be referred to two justices sitting as a court of summary jurisdiction who shall hear and determine the matter in dispute in all respects as if the same were a difference between the Undertakers and the county council under the Gasworks Clauses Act 1847.

*Testing Place.*Testing-  
place.

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

*Pressure of Gas.*Pressure of  
gas.

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

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



*Quality of Gas.*

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*Heathfield*  
*and Waldron.*Quality of  
gas.

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

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

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

*Price of Gas.*

24. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and sixpence per thousand cubic feet and so in proportion for any less quantity supplied:

Price of gas.

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

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*Heathfield  
and Waldron.*Charge for  
gas supplied  
by means of  
prepayment  
meters.

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

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

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

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

*Miscellaneous.*Power to  
lay pipes in  
private  
streets.

26. The Undertakers may but only with the consent in writing of the owner of the soil of such street on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with gas and for that purpose the provisions of the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Order.

Power to  
lay down and  
utilise pipes  
for ancillary  
purposes.

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



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

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*Heathfield  
and Waldron.*

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

As to supply  
to users of  
suction gas  
plant.

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

Supply of gas  
where con-  
sumer has  
separate  
supply.

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

Undertakers  
to pay  
interest on  
deposits.

31.—(1) The Undertakers may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings (in this section called "fittings") for lighting for motive power warming 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.



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*Heathfield  
and Waldron.*Fittings not  
to be subject  
to distress.

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

Gas engines  
&c. of Under-  
takers let on  
hire though  
fixed to  
premises to  
remain pro-  
perty of  
Undertakers.

32.—(1) All engines apparatus fittings and appliances let by the Undertakers on hire under the provisions of this Order shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Undertakers. Provided that such engines apparatus fittings and appliances have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Undertakers as the actual owners thereof.

(2) Nothing in this section shall affect the amount of assessment for rating of any premises upon which any engines apparatus fittings and appliances are or shall be fixed.

Anti-fluc-  
tuators for  
gas engines.

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

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

Power to  
enter pre-  
mises and  
remove  
fittings.

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

Power to  
take licences  
for patents  
&c.

35. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract



for take and use any leave licence or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture storage supply utilisation or distribution of gas or the conversion manufacture or utilisation of any products obtainable in or arising from such manufacture or from the materials used therein.

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*and Waldron.*

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

Gas consumers to give notice to Undertakers before removing.

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

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

Notice of discontinuance.

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

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

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

Period of error in defective meters.

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

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*Heathfield  
and Waldron.*No penalty  
in case of  
unavoidable  
cause.

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

Undertakers  
may contract  
with local  
authority and  
others for  
supply in  
bulk.

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

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

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

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

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

Costs of  
Order.

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

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The SCHEDULES referred to in the foregoing Order.

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SCHEDULE A.

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GAS LANDS.

A piece of land situate in the parish of Heathfield in the county of Sussex in the occupation of the Undertakers forming parts of the inclosures numbered 866 and 873 on the  $\frac{1}{2500}$  Ordnance map Sussex (East) Sheet XLII. 1 (edition of 1910) and which said piece of land



is bounded on the west by the road leading from the Hailsham Road past Marshland Farm to High Street on the east and south by lands belonging or reputed to belong to John Noakes being the remaining parts of the said inclosures numbered 866 and 873 and on the north-west by the properties numbered 858 and 858A on the said Ordnance map.

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*and Waldron.*

### SCHEDULE B.

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

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

Sections 30 to 34 of Gasworks Clauses Act 1847 to cease to be incorporated.

Price of gas with sliding scale as to dividend.

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

In respect of any year during any part of which the price charged by the Undertakers shall have been one penny or part of a penny above the standard price the dividend payable by the Undertakers shall in respect of each penny or part of a penny by which the price shall

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*and Waldron.*

have been increased be reduced below the standard rates of dividend by five shillings on every one hundred pounds of ordinary paid-up capital with a ten per centum standard rate of dividend and by three shillings and sixpence on every one hundred pounds of ordinary paid-up capital with a seven per centum standard rate of dividend and so in proportion for any fraction of one hundred pounds;

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

Power to  
create a  
special pur-  
poses fund.

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

The special purposes fund shall be applicable only to meet such charges as an accountant 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.

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

The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Undertakers to which capital



is properly applicable or may be used partly in the one way or partly in the other.

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*Heathfield  
and Waldron.*

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.

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

Application of excess of profits over authorised rates of dividend.

Provided that the sum standing to the credit of such divisible profits shall not in any case exceed the amount required to pay one year's dividend at the authorised rates.

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

Power to create a reserve fund and application thereof.

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

Saving of existing contracts.

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## LIVERPOOL GAS.

*Liverpool. Order extending the limits of supply of the Liverpool Gas Company empowering the Company to acquire the gas undertaking of the Liverpool Corporation in the township of Fazakerley and for other purposes.*

*Preliminary.*Short and  
collective  
titles.

1. This Order may be cited as the Liverpool Gas Order 1915 and the Liverpool Gas Acts 1848 to 1914 and this Order may be cited collectively as "the Liverpool Gas Acts and Order 1848 to 1915."

Commence-  
ment of  
Order.

2. This Order (except as herein-after otherwise expressly provided) shall come into force and have effect upon the first day of October one thousand nine hundred and fifteen which date is in this Order referred to as "the commencement of this Order."

Incorporation  
of Acts.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes of this Order and not inconsistent with the provisions of the Liverpool Gas Acts 1848 to 1914) are subject to the provisions of subsections (i) and (ii) of section 4 of the Act of 1914 and subsection (2) of this section incorporated with and form part of this Order (that is to say):—

The Lands Clauses Act (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

The Gasworks Clauses Act 1847; and

The Gasworks Clauses Act 1871.

(2) The provisions of sections 41 49 and 50 of the Liverpool United Gaslight Company's Act 1848 shall notwithstanding any such incorporation remain in full force and effect and shall apply to and within the township of Fazakerley and any subsisting agreement between the Undertakers and the corporation made under the said section 41 shall not be affected by such incorporation.

Interpreta-  
tion.

4. In this Order—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and by the Gas and Water Works Facilities Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "the corporation" means the lord mayor aldermen and citizens of the city of Liverpool;



The expression "the Fazakerley Gas Orders" means the Liverpool Corporation (Fazakerley) Gas Orders 1906 and 1911;

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—  
Liverpool.

The expression "the Fazakerley undertaking" means the gas undertaking of the corporation authorised by the Fazakerley Gas Orders and shall be deemed to include all mains pipes and other works in the township of Fazakerley belonging to and used by the corporation for the manufacture and supply of gas;

The expression "the Act of 1914" means the Liverpool Gas Act 1914.

*Undertakers.*

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

*Extension of Limits of Supply.*

6. From and after the commencement of this Order the limits of the Undertakers for the supply of gas shall extend to and include (in addition to the limits within which the Undertakers are authorised to supply gas by the Liverpool Gas Acts 1848 to 1914) the township of Fazakerley in the city of Liverpool and subject to the provisions of this Order the Undertakers shall have and may exercise within the said township all such powers rights privileges authorities and immunities and shall be subject to the like obligations which they now have or may exercise or are subject to within the said limits.

Extension of  
limits of  
supply.

*Acquisition of Fazakerley Undertaking.*

7.—(1) On and from the commencement of this Order the Fazakerley undertaking shall be transferred from the corporation to and vest in the Undertakers freed from all mortgages and freed from all obligations and liabilities of the corporation.

Transfer to  
Undertakers  
of Fazaker-  
ley under-  
taking.

(2) The Undertakers may continue maintain and use any mains pipes and other works by this section vested in them as if the same had been laid down or constructed by them under the powers of this Order and the provisions of this Order and of the Acts incorporated therewith and of the Liverpool Gas Acts 1848 to 1914 shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this Order.

8.—(1) In consideration of the transfer to the Undertakers of the Fazakerley undertaking they shall—

Considera-  
tion for  
transfer.

(a) pay to the corporation a sum in cash equal to the net debt (as herein-after defined) owing by the corporation for the purposes of the Fazakerley Gas Orders at the commencement of this Order:

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(b) take over at a valuation the movable stock in trade (not purchased out of capital money) implements coals and other stores held by the corporation at the commencement of this Order in connexion with the Fazakerley undertaking and the residual products of gas in hand at that date.

(2) The net debt referred to in paragraph (a) of the preceding subsection shall be deemed to be the net amount of any loans (including any debit balance at the bank on capital account) raised by the corporation for the purposes of the Fazakerley Gas Orders and outstanding at the date of the commencement of this Order after deducting (i) the amount existing at that date in any sinking fund formed for the repayment of such loans and (ii) an amount for the period from the first of January one thousand nine hundred and fifteen to the commencement of this Order proportionate to the amount annually placed to the credit of such sinking fund. The amount of such net debt failing agreement shall be determined by an accountant to be agreed upon between the parties or failing agreement to be appointed by the Recorder of Liverpool and the decision of such accountant thereon shall be final and conclusive.

(3) The value of any stock in trade implements coals or other stores or residual products to be taken over by the Undertakers under this section shall failing agreement between the Undertakers and the corporation be determined by an independent engineer to be appointed by the Board of Trade and any dispute which may arise between the Undertakers and the corporation as to what is comprised in the stock in trade or other stores to be taken over shall be decided by such an engineer so appointed and the decision of such an engineer on any reference hereunder shall in all respects be final and conclusive.

(4) The provisions of the Arbitration Act 1889 shall apply to any reference under the provisions of this section.

Application  
of considera-  
tion money.

9. Any sums paid by the Undertakers to the corporation under the provisions of the section of this Order of which the marginal note is "Consideration for transfer" shall be applied in discharge of any moneys borrowed by the corporation for the purposes of the Fazakerley Gas Orders and the balance (if any) remaining after such application shall be applied in such manner as the Local Government Board may direct.

Receipt for  
considera-  
tion money.

10. The receipt in writing of the treasurer of the city of Liverpool for any money paid by the Undertakers to the corporation in pursuance of this Order shall be a proper and effectual discharge to the Undertakers in respect of the sum which in such receipt shall be acknowledged to have been received and the Undertakers shall not



be bound to see to the proper application thereof or be answerable or accountable for the loss misapplication or non-application thereof and if from any cause the Undertakers are unable to obtain such a receipt from the said treasurer for any money due to the corporation they may pay the same into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to the credit of an account to be opened in the matter of this Order and a receipt shall be given to the Undertakers by the cashier of the said Bank for the money so paid which shall have the same effect as a receipt in writing of the said treasurer.

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11. All sums of money which at the commencement of this Order are in the hands of the corporation on account of any consumers of gas supplied by the corporation shall be paid over to the Undertakers as trustees for such consumers Provided that the corporation may if they think fit retain out of the deposit of any such consumer any debt owing to them from such consumer for or in relation to any gas supplied or as rent for any meters or fittings or as any charge incurred for fitting repairing or maintaining the same.

As to consumers' deposits.

12. The Fazakerley Gas Orders are hereby repealed and all powers conferred upon the corporation by those Orders with reference to the manufacture and supply of gas by them shall cease as from the commencement of this Order.

Repeal of Fazakerley Gas Orders.

13. Notwithstanding the transfer to and vesting in the Undertakers of the Fazakerley undertaking and the repeal of the Fazakerley Gas Orders the following provisions shall have effect:—

Subsidiary provisions relating to transfer.

(1) If at the commencement of this Order any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the corporation in respect of the Fazakerley undertaking the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Undertakers of the Fazakerley undertaking or of anything in this Order but the same may be continued prosecuted enforced by against or in favour of the Undertakers as and when it might have been continued prosecuted and enforced by against or in favour of the corporation if this Order had not been passed but not further or otherwise:

(2) As from the commencement of this Order all contracts and agreements affecting the corporation in respect of the Fazakerley undertaking shall (except as in this Order otherwise provided) be read and construed and be as binding and of as full force and effect against or on behalf of the

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Undertakers (as the case may be) and may be enforced as fully and effectually in all respects as if instead of the corporation the Undertakers had been a party thereto or bound thereby or entitled to the benefit thereof:

- (3) The corporation shall pay and discharge all outgoings and liabilities and shall be entitled to all rents charges and sums of money which shall have become payable or accrued due in connexion with the Fazakerley undertaking prior to the commencement of this Order and the Undertakers shall pay and discharge all outgoings and liabilities and shall be entitled to all rents charges and sums of money which shall become payable or accrue due in connexion with the Fazakerley undertaking after the commencement of this Order:
- (4) All rents charges and sums of money in connexion with the Fazakerley undertaking which at the commencement of this Order have accrued due shall continue due to and may be collected by the corporation on their own behalf and for their own benefit and all such rents charges and sums of money which if this Order had not been confirmed would have accrued due to the corporation after the commencement of this Order shall notwithstanding anything in this Order become due and payable to and may be collected by the Undertakers on their own behalf and for their own benefit:
- (5) For the purpose of giving effect to the enactments of subsections (3) and (4) of this section any such outgoings liabilities rents charges and sums of money as are referred to therein shall when necessary be apportioned between the corporation and the Undertakers and any other necessary adjustments with regard thereto shall be made and any sums due from either the corporation or the Undertakers to the other of them by any such adjustment or apportionment shall forthwith be paid over accordingly:
- (6) All books and documents relating to the Fazakerley undertaking which if this Order had not been confirmed would have been evidence in respect of any matter for or against the corporation shall be evidence to the same extent in respect of the same or the like matter for or against the Undertakers:
- (7) Any officer of the Undertakers or other person duly authorised by them in writing under the hand of their secretary



shall be entitled at all reasonable times to inspect and take copies of or extracts from any books documents or papers in the possession or under the control of the corporation or of any officer of the corporation and relating to the Fazakerley undertaking.

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*Liverpool.**Gasworks.*

14. The Undertakers may upon the lands described in the First Schedule to this Order annexed so long as they are possessed thereof (a) continue maintain alter enlarge extend improve renew or discontinue the gasworks and other works and apparatus and conveniences existing at the commencement of this Order (b) do all such acts as may be proper for making and storing gas and for supplying gas within the Undertakers' limits of supply and (c) erect maintain alter enlarge extend improve renew and discontinue works with all necessary machinery and apparatus for the working-up conversion preparation and storage of residual products of gas and may manufacture convert prepare and sell any such residual products.

Power to  
continue &c.  
corporation  
gasworks.*Miscellaneous Provisions.*

15. The Undertakers may from time to time apply to any of the purposes of this Order to which capital is properly applicable any moneys which they have raised or are authorised to raise under the Liverpool Gas Acts 1848 to 1914 but the Undertakers shall not during the continuance of the present war and twelve months thereafter raise or borrow any money for the purposes of this Order unless the consent of the Treasury has been previously obtained.

Application  
of existing  
funds.

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

Dwelling-  
houses for  
employees  
offices &c.

17. Subsection (2) of section 30 of the Act of 1914 shall be read and construed and shall have effect as if the expression "the new limits" therein mentioned included the township of Fazakerley and as if there had been added at the end of the subsection the following words namely:—

Amendment  
of section 30  
of Act of  
1914.

" and from and after the expiration of the said period the new  
" limits shall for the purposes of this section be deemed to  
" form part of the existing limits."

A.D. 1915.

*Liverpool.*For protection of  
Cheshire  
Lines Com-  
mittee.

18.—(1) By agreement with the Cheshire Lines Committee the Undertakers from time to time may make lay down repair renew alter maintain and use in any lands of the said committee any mains pipes works and conveniences for the supply of gas.

(2) The provisions of section 53 of the Act of 1914 shall extend and apply to the execution and maintenance of works in the township of Fazakerley under the powers of this Order and to the Undertakers and the said committee in regard thereto as if the said township were part of the extended limits of supply authorised by the Act of 1914 within the meaning of the said section 53.

For protection of  
Lancashire  
and York-  
shire Railway  
Company.

19. The provisions of section 52 of the Act of 1914 shall extend and apply to works executed under the powers of this Order in the township of Fazakerley and to the Undertakers in relation thereto as though such works were executed under the powers of the Act of 1914.

Differences  
with railway  
or other  
companies.

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

Scheduled  
provisions  
to apply  
to profit-  
sharing  
scheme.

21.—(1) The provisions and regulations respectively set forth in Parts I. and II. of the Second Schedule to this Order annexed shall apply and have effect in relation to (a) any stock or money belonging to any person or to which any person may be entitled under the terms of any scheme already or which may hereafter be established enabling the workmen employees and officers of the Undertakers or any of them to participate in the profits of the Undertakers and (b) to any money deposited with the Undertakers by any person in their employment otherwise than under any such scheme and such provisions and regulations shall come into force upon the day when the Act confirming this Order is passed.

(2) The Board of Trade if they think fit may at the request of the Undertakers by order revoke alter or add to any of the said provisions and regulations or make any new provisions or regulations which in the view of the Board would be conducive to the efficient working of any such scheme for the time being established or in other respects convenient and any order made by the Board in pursuance of this subsection shall have effect as if enacted by Parliament but the Board shall not in any case make any order under this subsection



until notice of the intention to make the order has been given by advertisement or otherwise as the Board may direct and an opportunity has been given to any person who appears to the Board to be affected thereby of stating any objections he may have thereto.

A.D. 1915.  
*Liverpool.*

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

Costs of  
Order.

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The SCHEDULES referred to in the foregoing Order.

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THE FIRST SCHEDULE.

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GAS LANDS.

First—A plot of land in the township of Fazakerley immediately before the commencement of this Order belonging or reputed to belong to the corporation and comprising the site of their then existing gasworks which plot of land is bounded on the north in part by the Fazakerley and North Mersey Branch of the Lancashire and Yorkshire Railway and in remaining part by land of the said railway on the south in part by land belonging or reputed to belong to Thomas Ryder Wilton and Miriam Wilton and in other part by land belonging or reputed to belong to the Moor Park Estate Company and on the east by an accommodation road leading from Longmoor Lane to the railway signal works.

Secondly—A narrow strip of land or approach road of a width of thirty feet or thereabouts also belonging or reputed to belong to the corporation immediately before the commencement of this Order and extending in a south-westerly direction from the south-west corner of the first described plot of land to Barlow's Lane bounded on the north by land of the Lancashire and Yorkshire Railway on the west by Barlow's Lane and on the south in part by other land of the Lancashire and Yorkshire Railway and in remaining part by land belonging or reputed to belong to the Moor Park Estate Company.

Which said plot and strip of land contain together two and three quarter acres or thereabouts.

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Liverpool.

## SECOND SCHEDULE.

## PART I.

Definitions.

1. In this schedule "the directors" and "the secretary" mean respectively the directors and the secretary of the Undertakers "the trustees" mean the trustees appointed under any scheme for the time being in force enabling the workmen employees and officers of the Undertakers or any of them to participate in the profits of the Undertakers "appointor" means any person entitled to make a nomination under clause 2 of this Part of this schedule "stock" means stock of the Undertakers "deposits" means and includes any bonus accumulation of dividend and interest savings and other sums of money of an appointor credited to his account or due to him under any such scheme or in the books of the Undertakers "nominee" means any person or persons named in a nomination made under this schedule "beneficiary" means and includes any nominee entitled under a nomination made under this schedule and any person entitled under clause 7 of this Part of this schedule to be registered as holder of any stock or to be paid any deposits and any references to the "value" of stock shall be deemed to refer to the "market value" thereof to be ascertained by the prices quoted on the Liverpool Stock Exchange or if no price is quoted the price there quoted on the last available date after making due allowance for any probable change in value since such date due to the accrual or payment of dividend.

Disposal of  
stock and  
deposits by  
nomination.

2. Subject to and in accordance with the regulations set forth in Part II. of this schedule any person holding in his own right any stock under any such scheme as aforesaid of the Undertakers or having any bonus accumulation of dividend and interest savings or other sums of money left in the hands of or deposited with the Undertakers under any such scheme or having any money deposited with the Undertakers otherwise than under any such scheme may if he be of the age of sixteen years or upwards nominate any person or persons who on the death of the appointor shall subject to the provisions of this schedule be entitled to be registered as holder of any stock and to be paid any deposits to which the appointor shall be entitled at his death to the extent of a total value of not exceeding one hundred pounds.

Revocation  
of nomina-  
tions.

3.—(1) Any nomination made under the provisions of this schedule may be revoked in manner mentioned in Part II. of this schedule but shall not be revocable or variable by the will of the appointor or any codicil thereto.



(2) The marriage of an appointor shall operate as a revocation of any nomination made by him before such marriage. A.D. 1915.

*Liverpool.*

4. After the expiration of one month from the death of an appointor who has made a nomination in force at his death the directors or the trustees (as the case may require) shall subject to the provisions of this schedule give effect to such nomination and shall in accordance with the directions of the nomination but subject to the extent in section 2 of this Part of this schedule mentioned register the nominee as holder of the stock and pay to the nominee the deposits to which the appointor was entitled at his death or as the case may be the portion of the stock and deposits comprised in the nomination. Provided that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from his death they shall retain the whole amount of the stock or deposits comprised in the nomination or a sufficient amount thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn. Proceedings on death of nominator.

5. Where the directors or trustees have registered stock in the name of or paid deposits to a nominee in ignorance of a marriage of the deceased appointor contracted subsequent to the nomination the registration shall be deemed to have been lawfully made and the receipt of the nominee shall be a valid discharge for any sum so paid and neither the directors nor the trustees shall be under any liability to any other person claiming such stock or deposits. Legality of acts done in ignorance of marriage of nominator.

6. In the event of the directors or trustees being restricted under the provisions of this schedule from giving effect to any nomination made by a deceased appointor and in force at his death relating to both stock and deposits to the whole extent thereof they shall primarily give effect thereto to the extent to which it relates to stock. Nominations to take effect as regards stock in priority to deposits.

7.—(1) If any appointor shall die without having made any nomination under this schedule in force at his death and the total value of the stock and deposits to which he is entitled at his death does not exceed one hundred pounds and probate of the will of the appointor or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the directors think reasonable then at the expiration of such time the directors or the trustees (as the case may require) shall subject to the provisions of this Part of this schedule register the stock in the names of and pay the deposits to— Disposal in case of no nomination.

(a) The widow (if any) of the deceased appointor ;

(b) If there be no widow the person or persons entitled to his effects according to the statutes for the distribution of the



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effects of intestates in the respective shares in which they are entitled under those statutes; or

- (c) In any event if the directors think fit to any person who has paid the funeral expenses of the appointor up to an amount not exceeding the total amount of such expenses:

Provided that in every case where the deceased appointor has left no widow and the persons entitled under the said statutes are more than two the directors may if they think fit sell the stock and distribute the proceeds (after deducting the proper expenses of such sale and distribution) among such persons in the shares in which they are entitled under the said statutes and for the purposes of such sale the directors may by a resolution authorise the secretary to execute the transfer of the stock to the purchaser or purchasers thereof:

Provided also that if the directors or trustees receive notice of any claim of a creditor of the deceased appointor before the expiration of one month from the death of the appointor they shall retain the whole amount of the stock or deposits of the deceased appointor in their hands or a sufficient amount thereof to satisfy the claim (whichever amount shall be the lesser) until the said claim has been satisfied disproved or withdrawn.

(2) The provisions of this clause shall also apply in the case of the death of any appointor being entitled at his death to stock or deposits of a total value not exceeding one hundred pounds who has made a nomination in force at his death where such nomination relates to a portion only of the stock and deposits to which he is entitled at his death but in such case the provisions of this clause shall extend only to the portion of the stock or deposits to which the nomination does not relate.

(3) Any registration of stock or payment of deposits or the proceeds of any sale made either (a) under the foregoing provisions of this clause in the name of or to any person who at the time appears to the directors to be entitled to such stock deposits or proceeds under such provisions or (b) under the provisions of clause 9 or clause 10 of this Part of this schedule in the name of or to any person on behalf of or for the benefit of or as trustee for any person who at the time appears to the directors to be so entitled as aforesaid and any sale of stock to a bonâ fide purchaser made by the directors under the provisions of this clause shall be valid and effectual against any demand made upon the Undertakers or the directors or the trustees by any other person. Provided nevertheless that the legal personal representative of the deceased appointor shall have remedy for recovery of such stock deposits or proceeds against the person in whose name



the same shall have been registered or to whom the same shall have been paid but nothing in this proviso shall confer upon any person any such remedy against a bonâ fide purchaser of such stock or against the widow of a deceased appointor or shall confer upon any person in trust for or on behalf or for the benefit of whom the stock deposits or proceeds have been so registered or paid any such remedy against the person in whose name or to whom the same have been registered or paid.

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8. In any case where under the provisions of this schedule any beneficiary would be entitled to be registered as the holder of any fractional part of one pound of stock either alone or together with an integral number of pounds of stock it shall be lawful for the directors in lieu of registering such beneficiary as holder of such fractional part of one pound of stock to pay to him a sum in cash equal to the value of such fractional part on the date of the death of the appointor in whose name the stock was previously registered and the trustees shall if so required by the directors forthwith repay such sum to the directors out of any moneys in their hands as such trustees and such fractional part of stock shall forthwith be registered in the names of the trustees.

Provisions as to fractional parts of one pound of stock.

9. Where any beneficiary is under the age of sixteen years and it is proved to the satisfaction of the directors that funds are needed for the maintenance education or benefit of such infant the directors or the trustees (as the case may require) may notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the beneficiary is entitled or any part thereof in the name of or to any person who may satisfy the directors that he will apply any money so paid to him or received by him from the sale of or as dividend bonus or otherwise on such stock for the maintenance education or benefit of such beneficiary and the receipt of such person shall be a good discharge to the directors and trustees for any sums so paid.

Provisions as to beneficiaries under sixteen.

10. Where any beneficiary is under the age of sixteen years it shall be lawful for the directors by a resolution to appoint any person whom they think fit to act as a trustee for such beneficiary and thereupon the directors or the trustees (as the case may require) shall notwithstanding any other provisions of this Part of this schedule register the stock and pay the deposits to which the infant beneficiary is entitled or any part thereof in the name of or to such person and such person shall so far as is necessary apply the deposits and any dividends bonuses or interest on the stock or deposits or shall sell the stock or any part thereof and apply the proceeds of such sale for the maintenance education or benefit of the beneficiary and the receipt of such person shall be a good discharge to the directors and

Directors may appoint trustee for beneficiary under sixteen.

A.D. 1915. trustees for any sums so paid. Provided always that if and when  
 the beneficiary attains the age of sixteen years the person so appointed  
 shall transfer or pay to the beneficiary any stock deposits dividends  
 bonuses interest or proceeds of sale then held by such person on  
 behalf of the beneficiary.

Liverpool.

Power to in-  
 fant bene-  
 ficiary over  
 sixteen to sell  
 stock.

11. Where any beneficiary is an infant but over the age of sixteen  
 years it shall be lawful for the infant to sell and transfer any stock  
 registered in his name to the Undertakers or the trustees at the value  
 thereof.

Receipt of  
 infant bene-  
 ficiary over  
 sixteen.

12. The receipt of any beneficiary who has attained the age of  
 sixteen years shall be a good discharge for any sum paid to him  
 under any of the provisions of this schedule notwithstanding such  
 beneficiary has not attained the age of twenty-one years.

Estate duty  
 payable in  
 certain cases.

13.—(1) If the principal value of the estate in respect of which  
 estate duty is payable of any deceased appointor exceeds one hundred  
 pounds any stock or deposits to which he is entitled at his death  
 shall be liable to estate duty as part of the property on which that  
 duty is charged and the directors before dealing with or disposing  
 of the same under the provisions of this schedule may require a  
 statutory declaration by a beneficiary that such principal value does  
 not exceed one hundred pounds.

(2) Nothing in this clause however shall render the directors or  
 the trustees accountable for the payment of the estate duty in respect  
 of any stock deposits or other moneys which they have registered paid  
 over distributed or otherwise disposed of in accordance with the  
 provisions of this schedule.

As to stock  
 and deposits  
 exceeding  
 eighty  
 pounds.

14. Notwithstanding anything in this schedule provided if the  
 total value of the stock and deposits to which the appointor was  
 entitled at his death exceeds eighty pounds the directors and/or the  
 trustees shall before registering stock in the name of or making any  
 payment to any person other than the legal personal representative of  
 the deceased appointor to an extent greater than three-fourths of  
 the total value of such stock and deposits require production of a  
 certificate from the Commissioners of Inland Revenue of the payment  
 of the estate duty and a duly stamped receipt for the succession  
 or legacy duty payable in respect of the stock and deposits or a  
 certificate from the said commissioners stating that no such duty  
 is payable thereon and the commissioners shall give such certificate  
 or receipt on payment of the duty or satisfactory proof that such  
 duty has been paid or that no such duty is payable as the case  
 may be.



## PART II.

## REGULATIONS AS TO NOMINATIONS.

A.D. 1915.

*Liverpool.*

1. A nomination shall be in writing in the form prescribed by the directors and shall be signed by the appointor in the presence of a witness.

2. A nomination may be revoked by the appointor by a subsequent nomination made and registered in accordance with these regulations or by writing under his hand signed in the presence of a witness.

3. A nomination or a revocation shall be sent by post to or left at the office of the secretary during the lifetime of the appointor.

4. A nomination or a revocation when received by the secretary shall be registered by him forthwith and the receipt thereof shall be acknowledged but the secretary may refuse to register a nomination or a revocation which does not comply with these regulations.

5. A nomination or a revocation which does not comply with these regulations or has not been received by the secretary shall not have any validity or effect.

6. A nomination may relate to the whole of the stock and deposits to which the appointor may be entitled or to part only thereof.

7. Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which the appointor is entitled at the time of his decease up to a total value not exceeding one hundred pounds but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

8. A nomination may be in favour of one person or of several persons and in the latter case may subject as herein-after mentioned direct that on the death of the appointor the stock shall be registered in the name of and the deposits shall be paid to one or more of the nominees or that the nominees shall be registered as owners of the stock and shall take the deposits respectively in specified shares or may give directions to both effects Provided that it shall not be lawful for a nomination to direct that stock shall be registered in the names of more than two persons as joint holders.

9. No person who witnesses the signature of an appointor to a nomination shall take any benefit under such nomination.

A.D. 1915.

## MID KENT GAS LIGHT AND COKE.

*Mid Kent.*

*Order empowering the Mid Kent Gas Light and Coke Company to raise unissued capital by preference shares and for other purposes.*

Short and collective titles.

1. This Order may be cited as the Mid Kent Gas Light and Coke Order 1915 and the Mid Kent Gas Light and Coke Act 1899 (in this Order referred to as "the Act of 1899") and this Order may be cited together as the Mid Kent Gas Light and Coke Act and Order 1899 and 1915.

Commencement of Order.

2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed.

Undertakers.

3. The Mid Kent Gas Light and Coke Company incorporated by the Act of 1899 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Power to raise unissued capital by preference shares.

4. The Undertakers may subject to the provisions of Part II. of the Companies Clauses Act 1863 and of the section of this Order whereof the marginal note is "Consent of Treasury to raising of money" create and issue new shares bearing a preferential dividend of not exceeding six pounds per centum per annum but they shall not issue any share of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof Provided that it shall not be lawful for the Undertakers to create or issue under the provisions of this Order any greater amount of such new shares than shall together with the amount of the capital issued under the provisions of the Act of 1899 make up the total amount of capital authorised by that Act.

Consent of Treasury to raising of money.

5. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money unless the consent of the Treasury has been previously obtained.

New shares to be subject to same incidents as other shares.

6. Except as by this Order otherwise provided the preferential capital created by the Undertakers under this Order and the new shares 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 existing capital of the Undertakers of the same class or description and the new shares were shares in that capital Provided that except as otherwise expressly provided by the resolution creating the same no



person shall be entitled to vote in respect of the new shares nor be qualified by holding the same to act as a director of the Undertakers. A.D. 1915.  
*Mid Kent.*

7. The new shares so created shall form part of the capital of the Undertakers and every person who becomes entitled to any such new shares shall in respect of the same be a holder of shares in the capital of the Undertakers and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called up and paid on such shares so held by him. Dividend on new shares.

8. The provisions of section 10 (Calls) section 19 (Application of moneys) and section 26 (Receipt in case of persons not sui juris) of the Act of 1899 shall apply to any new shares issued under the authority of this Order. Application of certain provisions of Act of 1899.

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

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### ROTHWELL GAS.

*Order empowering the Rothwell Gas Light Company to raise additional capital and for other purposes.* Rothwell.

1. This Order may be cited as the Rothwell Gas Order 1915 and the Rothwell Gas Act 1882 the Rothwell Gas Order 1895 the Rothwell Gas Order 1902 and the Rothwell Gas Order 1908 (herein-after referred to as "the Act of 1882" "the Order of 1895" "the Order of 1902" and "the Order of 1908" respectively and collectively as "the Act and Orders of 1882 to 1908") and this Order may be cited collectively as the Rothwell Gas Act and Orders 1882 to 1915. Short and collective titles.

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

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

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

A.D. 1915.

*Rothwell.*

- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The borrowing of money by the Company on mortgage or bond ;
- The consolidation of the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to the 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 and the Gasworks Clauses Act 1847 and the Gasworks Clauses Act 1871 so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of the Act and Orders of 1882 to 1908 or this Order are hereby incorporated with and form part of this Order :

Provided that section 13 of the Gasworks Clauses Act 1847 for the purposes of such incorporation 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.

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

Interpretation.

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

*Undertakers.*

Undertakers.

5. The Rothwell Gas Light Company incorporated by the Act of 1882 shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."



## Capital.

A.D. 1915.

6. In addition to the capital authorised to be raised by the Undertakers by the Act and Orders of 1882 to 1908 (in this Order referred to as "the existing capital") they may raise additional capital not exceeding in the whole the sum of twelve thousand pounds (in this Order referred to as "new capital") by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of these modes respectively but they shall not issue under the authority of this Order any share of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create or issue any greater nominal amount of new capital than shall be sufficient to produce inclusive of any premium as aforesaid the sum of twelve thousand pounds.

*Rothwell.*  
Additional  
capital.

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

As to con-  
version of  
borrowed  
money into  
capital.

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

New shares  
and stock to  
be subject  
to same  
incidents as  
other shares  
and stock.

9. Every person who is entitled to any share or stock in the new capital 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 in respect of the share or shares or stock to which he is entitled.

Dividend on  
new capital.

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

Restriction  
as to votes  
in respect of  
preference  
shares or  
stock.

11. In case in any half year the funds of the Undertakers applicable to dividend shall be insufficient to pay the full amount of dividend

Dividends on  
different  
classes of  
ordinary

A.D. 1915.

*Rothwell.*

other evidence as he shall think sufficient he shall have granted a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Limit of  
interest on  
borrowed  
money.

16. The Undertakers shall not without the previous consent in writing of the Board of Trade pay interest on any money borrowed on mortgage under the provisions of this Order at any rate higher than five pounds per centum per annum.

Consent of  
Treasury to  
raising of  
money.

17. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

Existing  
mortgages to  
have priority.

18. All mortgages lawfully granted by the Undertakers under the authority of the Act of 1882 before and subsisting at the commencement of this Order shall during their continuance and subject to the provisions of the said Act have priority over any mortgage granted under the provisions of this Order but all mortgages created and granted by the Undertakers under the provisions of the Order of 1902 or of this Order and all mortgages created after the commencement of this Order under the authority of the Act of 1882 shall rank *pari passu*.

Priority of  
mortgage  
debts over  
other debts.

19. Any claim on account of money borrowed by the Undertakers on mortgage under the provisions of this Order shall have priority against the Undertakers and their property from time to time over any other claim on account of any debt incurred or engagement entered into by them after the commencement of this Order. Provided always that the said priority shall not in any way prejudice any claim against the Undertakers or their property expressly by any Act or Order provided to rank in priority to or *pari passu* with claims on account of money borrowed by the Undertakers on mortgage.

*Miscellaneous.*

Costs of  
Order.

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



## FISHERTON ANGER AND BEMERTON WATERWORKS. A.D. 1915.

*Order increasing the capital of the Fisherton Anger  
and Bemerton Waterworks Company and for other purposes.**Fisherton  
Anger and  
Bemerton.*

1. This Order may be cited as the Fisherton Anger and Bemerton Waterworks Order 1915 and the Fisherton Anger and Bemerton Waterworks Act and Order 1867 and 1914 and this Order (hereinafter called together "the Act and Orders of 1867 to 1915") may be cited together as the Fisherton Anger and Bemerton Waterworks Act and Orders 1867 to 1915.

Short and  
collective  
titles.

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

Commence-  
ment of  
Order.

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

Incorporation  
of Acts.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against shareholders;

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

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

and Part I. (relating to the 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 and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by or inconsistent with the Act and Orders of 1867 to 1915 incorporated with and form part of this Order.

A.D. 1915.

*Fisherton  
Anger and  
Bemerton.*Interpreta-  
tion.

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

4. In this Order the several words terms and expressions to which by any Act in whole or in part incorporated herewith or by the Gas and Water Works Facilities Act 1870 meanings are assigned have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the construction of this Order or of any such Act for the purposes of this Order the expression "the Act of 1867" shall mean the Fisherton Anger and Bemerton Waterworks Act 1867 and "the undertaking" shall mean the undertaking authorised by the Fisherton Anger and Bemerton Waterworks Act and Order 1867 and 1914.

Undertakers.

5. The Fisherton Anger and Bemerton Waterworks Company shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Creation of  
new capital.

6. There shall be created by virtue of this Order three thousand eight hundred new shares of one pound each (in this Order referred to as "the new capital") of which two thousand shares shall be preference shares and shall be entitled to a preferential dividend of four pounds ten shillings per centum per annum and one thousand eight hundred shares shall be ordinary shares.

Vesting of  
new prefer-  
ence shares.

7.—(1) The said two thousand new preference shares shall by virtue of this Order vest in the several persons who at the commencement of this Order are registered in the books of the Undertakers as the holders of the certificates for the two thousand pounds four and a half per centum debenture stock purported to have been created and issued by the Undertakers in proportion to the nominal amount of the stock represented by the certificates held by them respectively to the extent to which such persons respectively shall previously have signified their willingness to accept the same Such shares shall for all purposes be deemed to be fully paid and shall be so accepted in lieu and in full satisfaction of all rights or claims which the acceptors respectively may have against the Undertakers by reason of the purported creation and issue of such debenture stock.

(2) Any of the said shares which shall not become vested as aforesaid may be offered at not less than par to the holders of ordinary shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 Provided that if the aggregate amount of the said shares 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.



8. The said one thousand eight hundred new ordinary shares shall by virtue of this Order vest in the several persons who at the commencement of this Order are the holders of shares in the capital of the Undertakers authorised by the Act of 1867 (in this Order referred to as "the existing capital") in the proportion of six of such new ordinary shares for every one share of ten pounds in the existing capital held by such persons respectively and such new ordinary shares shall for all purposes be deemed to be fully paid and shall be accepted by the persons to whom the same are issued in lieu and in full satisfaction of their interests in the undivided profits of the Undertakers and their right to have the deficiency of previous dividends made up to the amount of the divisible profits of the Undertakers.

A.D. 1915.

*Fisherton  
Anger and  
Bemerton.*  
Vesting of  
new ordinary  
shares.

9. The Undertakers may in addition to the existing capital and the new capital raise additional capital not exceeding in the whole seven hundred pounds (in this Order referred to as "the additional capital") by the creation and issue of preference shares or stock or ordinary shares or consolidated stock or wholly or partially by one or more of these modes respectively but the Undertakers shall not issue any share of less nominal value than one pound nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth of the full price of such share or stock together with any premium obtained on the sale thereof as herein-after provided has been paid in respect thereof. Provided that it shall not be lawful for the Undertakers to create or issue under the provisions of this section any greater nominal amount of additional capital than will be sufficient to produce including any premium which may be obtained on the sale thereof the said sum of seven hundred pounds.

Additional  
capital.

10. Except as otherwise expressly provided by this Order the Undertakers shall not in any year declare or make out of their profits any larger dividend on the new capital or the additional capital than the rate of dividend herein-after mentioned namely on the new ordinary shares the rate of five pounds in respect of every one hundred pounds thereof and on the additional capital the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital and the rate of five pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

Limit of  
dividend on  
capital.

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

(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject

A.D. 1915. to such conditions of sale as the Undertakers shall from time to time determine Provided as follows:—

*Fisherton*  
*Anger and*  
*Bemerton.*

- (a) Notice of the intended sale shall be given in writing to the clerk of the local authority of every district within the limits of supply of the Undertakers and to the secretary of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits:
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Undertakers in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the reception of tenders as the case may be:
- (c) No lots offered for sale shall comprise shares or stock of greater total nominal value than one hundred pounds:
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Undertakers within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Undertakers in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Undertakers and to the consumers of water supplied by the Undertakers in such proportions as the directors 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.

A.D. 1915.

—  
Fisherton  
Anger and  
Bemerton.

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

12. The Undertakers shall not during the continuance of the present war and within twelve months thereafter raise or borrow any money under the provisions of this Order unless the consent of the Treasury has been previously obtained.

Consent of  
Treasury to  
raising of  
money.

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

Limit of  
borrowing  
powers.

14. The Undertakers shall not have power to raise the money by this Order authorised to be borrowed on mortgage or any part thereof by the creation of shares or stock instead of borrowing or to convert into capital the amount borrowed under the provisions of the Act and Orders of 1867 to 1915.

As to con-  
version of  
borrowed  
money into  
capital.

15. Subject to the provisions of this Order the new capital and the additional capital shall be part of the general capital of the Undertakers and save as otherwise provided by and under the provisions of this Order the holders of shares or stock in such new or additional capital shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their shares or stock from time to time paid up and be subject to the like provisions and liabilities as the holders of the shares or stock in the existing capital.

Privileges of  
holders of  
new and addi-  
tional capital.

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

Application  
of money.



A.D. 1915.

*Fisherton*  
*Anger and*  
*Bemerton.*Dividends on  
different  
classes of  
shares or stock  
to be paid pro-  
portionately.Restriction as  
to votes in  
respect of pre-  
ferential shares  
or stock.Confirmation  
of issue of  
debenture  
stock.Limits of  
pressure.Company  
not to oppose  
application  
by cor-  
poration of  
Salisbury to  
purchase  
undertaking.

17. In case in any half-year the funds of the Undertakers applicable to dividend are insufficient to pay the full amount of the dividend at the prescribed maximum rates on each class of ordinary shares or stock in the existing capital and the new capital and the additional capital a proportionate reduction shall be made in the dividends payable on each class.

18. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the new capital or the additional capital to which a preferential dividend is or shall be assigned.

19. The whole of the two thousand four hundred and fifty pounds three and a half per centum debenture stock purported to have been created and issued by the Undertakers shall notwithstanding that the same exceeded the amount authorised to be created and issued by the Act of 1867 be deemed to have been duly and legally created and issued and such debenture stock is hereby declared to be debenture stock of the Undertakers and shall in all respects and for all purposes including the payment of interest thereon both before and after the commencement of this Order be treated as if the Undertakers had been authorised by the Act of 1867 to create and issue the full amount of such debenture stock at the time at which the Undertakers purported to create and issue the same and all the provisions of such Act shall apply to such debenture stock accordingly.

20.—(1) The water supplied by the Undertakers shall be constantly laid on but such water need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken and it shall be in the discretion of the Undertakers in every case to determine the particular service reservoir or tank from which the supply shall be taken.

(2) Section 37 (Water need not be constantly laid on under pressure) of the Act of 1867 is hereby repealed.

21. If the mayor aldermen and citizens of the borough of New Sarum (in this section referred to as "the corporation") shall within the next three years cause a Bill to be introduced into Parliament and bonâ fide promote the same for an Act to empower the corporation to purchase the undertaking of the Undertakers the Undertakers shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses and amendments to protect their interests with respect to such purchase and for that purpose the Undertakers shall be at liberty to petition either or both Houses of Parliament and if the corporation obtain an Act authorising such purchase and give notice of their intention to purchase within six months after the passing of such Act the Undertakers shall thereupon sell



and transfer and the corporation shall purchase the undertaking of the Undertakers subject to all their then existing debentures mortgages obligations and liabilities at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts with reference 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 corporation and the expression "lands" shall mean the undertaking of the Undertakers.

A.D. 1915.

*Fisherton*  
*Anger and*  
*Bemerton.*

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

Costs of  
Order.

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Printed by EYRE and SPOTTISWOODE, LIMITED.

FOR

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

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