



**CHAPTER xlviii.**

An Act to confer further powers upon the Bournemouth Gas and Water Company. A.D. 1919.  
[15th August 1919.]

**W**HEREAS by the Bournemouth Gas and Water Act 1873 the Bournemouth Gas and Water Company Limited were dissolved and the shareholders therein with other persons were re-incorporated by the name of "the Bournemouth Gas and Water Company" (in this Act called "the Company") and were authorised to supply gas and water within the parishes and places in the counties of Dorset and Southampton specified in that Act: 36 & 37 Vict. c. lxxiii.

And whereas (inter alia) the limits for the supply by the Company of gas and water respectively were extended and further powers were conferred upon the Company by the Bournemouth Gas and Water Act 1878 the Bournemouth Gas and Water Act 1896 the Bournemouth Gas and Water (Poole Gas Transfer) Act 1902 the Bournemouth Gas and Water Act 1903 the Bournemouth Gas and Water Act 1913 and the Bournemouth Gas (Standard of Calorific Power) Order 1917: 41 & 42 Vict. c. ccii. 59 & 60 Vict. c. cxvii. 2 Edw. 7. c. lviii. 3 Edw. 7. c. ccix. 3 & 4 Geo. 5. c. lxxv.

And whereas the demand for gas and water within the said respective limits of supply is increasing:

And whereas it is expedient that the Company should be empowered to make lay down and maintain the cableway conveyor and gas main or mains or line or lines of pipes by this Act authorised:

And whereas the issued capital of the Company now consists of five hundred and forty-eight thousand one hundred and ten pounds divided into eleven thousand five hundred fully paid preference shares of ten pounds each entitled to a fixed preferential dividend of six per centum per annum five thousand fully

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A.D. 1919. — paid original shares of ten pounds each entitled to a standard dividend of ten per centum per annum (subject to increase or decrease according as the price charged by the Company for gas supplied is less or more than the respective standard prices prescribed by the Acts of the Company) and thirty-eight thousand three hundred and eleven fully paid "B" or additional ordinary shares of ten pounds each entitled to a maximum dividend of seven per centum per annum:

And whereas the Company are authorised to raise the further sum of one hundred and fifty thousand and one pounds nine shillings and sevenpence by the creation and issue of ordinary or preference shares or stock:

And whereas the Company have raised by the creation and issue of debenture stock to the nominal amount of two hundred and twelve thousand and twenty-five pounds the sum of two hundred and ten thousand two hundred and seventy-six pounds eighteen shillings and sevenpence:

And whereas the Company are empowered to raise the further sum of eighty-nine thousand four hundred and sixty-three pounds by borrowing on mortgage or by the creation and issue of debenture stock:

And whereas it is expedient that the said original shares should be converted as by this Act provided and that the Company should be authorised to raise additional capital and that further powers should be conferred upon the Company and further provisions made with reference to their undertaking as in this Act contained:

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

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act the plans showing also the lands which may be taken compulsorily under the powers of this Act and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the county of Dorset and are hereinafter respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

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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:—

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1.—(1) This Act may be cited as the Bournemouth Gas and Water Act 1919.

Short and  
collective  
titles.

(2) The Bournemouth Gas and Water Acts 1873 to 1913 the Bournemouth Gas (Standard of Calorific Power) Order 1917 and this Act may be cited together as the Bournemouth Gas and Water Acts 1873 to 1919.

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

Incorpora-  
tion of  
general  
Acts.

The Lands Clauses Acts;

The Gasworks Clauses Act 1847;

The Gasworks Clauses Act 1871; and

The Waterworks Clauses Acts 1847 and 1863:

Provided that the incorporation of the Lands Clauses Acts with this Act shall be subject to the following exceptions and modifications:—

(A) All claims for compensation made upon the Company under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section 121 of the Lands Clauses Consolidation Act 1845:

(B) Any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

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Provided also that section 13 of the Gasworks Clauses Act 1847 in its application to the Company 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.

Application  
of certain  
provisions of  
Companies  
Clauses  
Acts.

3. The provisions of the Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of borrowed money into capital) and Parts I. II. and III. of the Companies Clauses Act 1863 as amended by subsequent Acts shall so far as the same are respectively applicable and except so far as the same may be varied by or inconsistent with the provisions of this Act apply to any ordinary or preference shares or stock or debenture stock to be issued under the provisions of this Act and to the proprietors thereof.

Interpreta-  
tion.

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

The expressions "the Act of 1873" "the Act of 1878" "the Act of 1896" "the Act of 1902" "the Act of 1903" and "the Act of 1913" respectively mean the Bournemouth Gas and Water Act 1873 the Bournemouth Gas and Water Act 1878 the Bournemouth Gas and Water Act 1896 the Bournemouth Gas and Water (Poole Gas Transfer) Act 1902 the Bournemouth Gas and Water Act 1903 and the Bournemouth Gas and Water Act 1913;

The expression "the undertaking" means the gas and water undertaking of the Company authorised by the Bournemouth Gas and Water Acts 1873 to 1919;

The expression "the original capital" means the five thousand original shares of the Company of ten pounds each entitled to a standard dividend of ten per centum per annum;

The expression "the date of conversion" means the first day of January one thousand nine hundred and twenty;

The expression "the five per centum capital" means the capital in shares of ten pounds each bearing a standard

rate of dividend of five per centum per annum into which the original capital is to be converted under the provisions of this Act and any capital in ordinary shares or stock which shall be created pursuant to the section of this Act of which the marginal note is "Part of additional capital may be raised as ordinary capital with standard dividend";

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The expression "employees" where used in reference to the Company includes the officers clerical and other staff workmen and servants employed by the Company.

#### WORKS.

5. Subject to the provisions of this Act the Company may in the lines and situation and according to the levels shown on the deposited plans and sections make and maintain in the parish of Saint James in the borough of Poole in the county of Dorset the works hereinafter described (that is to say):—

Power to construct works.

Work No. 1.—A cableway conveyor commencing at the western side of South Road and terminating at the western boundary of the portion of the Mudlands belonging to the Company:

Work No. 2.—A main or mains or line or lines of pipes for the conveyance or transmission of gas commencing at the south-western boundary of the railway of the London and South Western Railway Company and terminating in Kingland Road.

6. In making the works by this Act authorised the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans in connexion therewith respectively and may deviate vertically from the levels shown on the deposited sections in connexion with the said works respectively (A) in the case of the said cableway conveyor to any extent not exceeding five feet downwards and to any extent upwards and (B) in the case of the said main or mains or line or lines of pipes to any extent not exceeding two feet upwards and to any extent downwards Provided that no part of the said main or mains or line or lines of pipes shall be raised above the surface of the ground.

Power to deviate.

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Powers with  
reference to  
cableway  
conveyor.

7. The Company may in connexion with the said cableway conveyor construct erect provide and maintain all such bridges posts pillars piers supports lifts hoists cranes movable platforms conveyors rails machinery wires apparatus and other works appliances and conveniences as they may require for the purposes thereof and may use the said cableway conveyor and any such works appliances and conveniences as aforesaid for the conveyance of coal and other commodities from and into any gasworks of the Company :

Provided that in using the said cableway conveyor the Company shall take reasonable precautions for preventing any over-filling of the buckets or other similar appliances conveyed thereon.

Power to  
work cable-  
way con-  
veyor.

8. The Company may work the said cableway conveyor by electric steam hydraulic or any other form of mechanical power or by animal power and they may equip the same for working by electrical energy or other mechanical power and may erect and maintain upon any of the lands for the time belonging to the Company all such works and apparatus and do all such things as may be necessary or convenient for the purpose of working the said cableway conveyor. Provided that any works and apparatus erected or maintained by the Company under this section shall be so erected and maintained and electrical energy shall be so used under this section as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line but nothing in this proviso shall be deemed to prevent the Company (subject to the provisions of the Telegraph Act 1878) from raising lowering or otherwise altering any such telegraphic line so far as may be reasonably necessary for the purpose of the erection and working of the said cableway conveyor.

Power to  
stop up roads  
temporarily.

9. The Company may for the purpose of and during the construction and any work of repair or renewal of the said cableway conveyor stop up so much of any street or road across or over which the same is to be constructed as is required to be stopped up for any such purpose and during such stopping up all rights of way along the portion of street or road stopped up shall be temporarily extinguished. Provided that the Company shall not under the powers of this section stop up any portion

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of more than one street or road at any one time and that the stopping up of any portion of a street or road shall not continue for longer than four days on any one occasion unless the Company shall have provided for use during the period of such stopping up a convenient means of passage for vehicular and pedestrian traffic between the portions of street or road severed by such stopping up. Provided also that the Company shall provide reasonable access for all persons bona fide going to or returning from any house in any street or road stopped up under the powers of this section. A.D. 1919.

**10.** If the said cableway conveyor and main or mains or line or lines of pipes are not completed within four years from the termination of the present war or from the passing of this Act (whichever shall be the later) then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed. Period for completion of works.

**11.** Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Poole (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the corporation and the Company apply and have effect (that is to say):— For protection of Poole Corporation.

(1) The cableway conveyor (Work No. 1 authorised by this Act) and any works connected therewith shall be constructed and maintained in accordance with the following provisions:—

(A) No part of Work No. 1 or any works connected therewith or ancillary thereto shall be constructed upon or under the surface of South Road or Green Road;

(B) The said Work No. 1 shall be constructed with a protecting bridge underneath the conveyor buckets across South Road and Green Road and for a distance of three feet on each side of the said roads respectively for the purpose of preventing coal or other material from falling upon the said roads. Each of the said bridges shall

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have a clear headway of at least sixteen feet throughout from the under side thereof to the surface of the road ;

(c) The said protecting bridges shall be constructed in accordance with plans sections specifications and particulars to be previously submitted to and reasonably approved by the corporation ;

(D) No advertisement shall be placed on any part of the said Work No. 1 where the same is constructed over or within sight of any highway ;

(E) Section 9 of the Gasworks Clauses Act 1871 shall extend and apply to the construction and user of the said Work No. 1 :

(2) The corporation at the expense of the Company may plant a belt of quick-growing trees in the Ladies' Walking Field along the line of the South Western Railway in such a manner as to conceal the works to be erected by the Company under the powers of this Act on the lands described under the headings (E) (F) (G) (H) (I) and (J) in the schedule to the Act of 1903 from the houses situate on the northerly side of that railway :

(3) The main or mains or line or lines of pipes (Work No. 2 authorised by this Act) shall be constructed across the public open space known as the Ladies' Walking Field in accordance with the following provisions :—

(A) The Company shall not be entitled to acquire any portion of those lands but may acquire an easement only for the construction and maintenance of the said Work No. 2 ;

(B) The said Work No. 2 shall be constructed and maintained at a depth of two feet at least below the surface of the ground measured from such surface to the upper side of the said work ;

(c) Before commencing the construction of the said Work No. 2 the Company shall submit to the corporation for their reasonable approval plans sections and particulars of the construction thereof through the said Ladies' Walking Field and the said



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work shall be constructed only in accordance with such plans sections and particulars as may be reasonably approved by the corporation: A.D. 1919.

- (4) Any difference which may arise between the Company and the corporation with reference to any approval or disapproval under the provisions of this section shall be referred to and determined by arbitration the arbitrator being appointed failing agreement between the parties by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

LANDS.

**12.** Subject to the provisions of this Act the Company may enter upon take and use compulsorily or by agreement and may hold for the purposes of the undertaking the lands in the parish of Saint James in the borough of Poole hereinafter mentioned (that is to say):— Power to acquire lands.

- (i) The lands shown on the deposited plans and described in the deposited book of reference and in Parts I. and II. of the First Schedule to this Act;
- (ii) The lands shown on the deposited plans and described in the deposited book of reference in connexion with the said cableway conveyor and main or mains or line or lines of pipes respectively.

**13.** The Company may in lieu of acquiring any lands for the purposes of the main or mains or line or lines of pipes by this Act authorised (which lands consist of the railway of the London and South Western Railway Company and of a public open space known as the Ladies' Walking Field) acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting managing renewing or enlarging the said main or mains or line or lines of pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the provisions of the Lands Clauses Acts shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts: Power to acquire easements only for gas main.

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Provided that as regards any lands taken or used by the Company for the purposes of the said main or mains or line or lines of pipes the Company shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Period for compulsory purchase of lands and easements.

14. The powers of the Company for the compulsory purchase of lands and easements under or for the purposes of this Act shall cease after the expiration of three years from the termination of the present war or from the passing of this Act whichever shall be the later.

Correction of errors in deposited plans and book of reference.

15. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Dorset and a duplicate thereof shall also be deposited with the town clerk of the borough of Poole and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to purchase lands by agreement.

16. The Company may for the purposes of the undertaking purchase and take (by agreement but not otherwise) and may hold in addition to the lands described in Parts I. and II. of the First Schedule to this Act and any other lands

belonging to them or which they are authorised to purchase or acquire at the passing of this Act A.D. 1919.

(A) any lands and hereditaments not exceeding in the whole twenty-five acres which they may require for the purposes of the section of this Act of which the marginal note is "Dwelling-houses for employees offices &c. and town planning schemes";

(B) any lands and hereditaments not exceeding in the whole five acres which they may require for the purposes of their works and any other purposes of the undertaking;

but the Company shall not create or permit a nuisance on any lands purchased under the powers of this section.

17.—(1) The Company may purchase or take on lease houses cottages and other buildings for any of their employees and offices showrooms and other buildings for the purposes of the undertaking and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Company. Dwelling-houses for employees offices &c. and town planning schemes.

(2) The Company may either alone or jointly with any other company body or person promote and carry into effect or may contribute towards the cost of promoting and carrying into effect any scheme of town planning which in the opinion of the directors of the Company would prove beneficial to their employees or any of them.

18. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or in any Act of or relating to the Company with which that Act is incorporated the provisions of sections 128 to 132 (both inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any lands which have been or may be acquired by the Company by agreement. Certain provisions of Lands Clauses Consolidation Act 1845 not to apply to lands acquired by agreement.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same Persons under disability may grant easements &c.

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Owners may be required to sell parts only of certain properties.

20. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties in the parish of Saint James in the borough of Poole whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the justices or arbitrator to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine

whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed: A.D. 1919.

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat

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cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92. of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

GASWORKS.

Amendment  
of section 19  
of Act of  
1903.

**21.** Section 19 (Power as to construction and maintenance of gasworks &c.) of the Act of 1903 shall be read and have effect as if as from the passing of this Act the proviso to that section had been omitted therefrom and as if as from the date of acquisition by the Company of the lands in the parish of Saint James in the borough of Poole described in Part I. of the First Schedule to this Act those lands had been described in the schedule to the Act of 1903 The powers conferred by the said section as so amended shall be exerciseable with reference to all or any of the lands referred to in the said proviso notwithstanding anything contained in any grant or lease (other than any grant or lease made by or on behalf of the King's most Excellent Majesty) under which the same or any of them are held by the Company or in any agreement relating to the said lands or any of them :

Provided that as from the date of acquisition of the lands (B) described in Part I. of the First Schedule to this Act the Company shall not erect or construct retorts on the lands

described, under the headings (E) (F) (G) (H) and (I) in the schedule to the Act of 1903 unless they shall be unable to obtain from the Board of Trade or other Government Department on behalf of the Crown such consents (if any) as may be necessary to the erection on the said lands (b) described in the said First Schedule to this Act and the lands described under the heading (J) in the said schedule to the Act of 1903 of such retorts as may be requisite for the purposes referred to in the said section 19 of the Act of 1903 as amended by this section.

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**22.** Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

#### CONVERSION OF CAPITAL.

**23.**—(1) As from the date of conversion the five thousand shares of ten pounds each comprising the original capital shall be converted into ten thousand shares of ten pounds each bearing a standard rate of dividend of five per centum per annum and comprising or forming part of the five per centum capital and such ten thousand shares shall belong to and be divided among the persons who are immediately before the date of conversion entitled to be the holders of the said five thousand shares in the proportion of two of such ten thousand shares for every one of such five thousand shares.

Conversion.

(2) As on the date of conversion there shall be by virtue of this Act created ten thousand shares comprising or forming

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New shares to be held on same trusts &c. as shares for which they are substituted.

24. All shares of which the holders of existing shares in the original capital are pursuant to the foregoing provisions of this Act registered as holders shall after registration thereof be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the existing shares for which the new shares are substituted were held immediately before the date of conversion and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the new shares of which they are pursuant to the foregoing provisions of this Act registered as holders in substitution for the existing shares held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing shares.

Certificates of existing shares to be called in and others issued.

25. The Company shall call in the certificates of the existing shares for which new shares shall be substituted by virtue of this Act and shall issue in exchange for those certificates to the respective holders thereof free of charge certificates of new shares of the number to which those holders are by this Act respectively entitled but no holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction



thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require Provided always that until the issue of new certificates the existing certificates shall (according to the number of new shares to be issued by virtue of this Act in substitution for the existing shares which such certificates respectively represent) have and possess the same rights and privileges as if they were certificates for the number of new shares so to be issued but if any holder of existing shares neglect or omit to send or deliver to the Company his existing certificate or certificates for a period of nine months after notice in writing sent by post to the address appearing in the shareholders address book the Company may suspend the payment of any dividend declared or made payable upon or in respect of the new shares to which he is entitled until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

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**26.** All transfers or other dispositions of any shares in the original capital as existing up to the conversion thereof into five per centum capital by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of new shares which represent the shares thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the shares transferred or disposed of had before such conversion and the bequest of or any covenant or provision of any deed or agreement relating to any specific number of shares in the original capital shall be held to apply to a number of shares in the five per centum capital equal to that into which such specific number of shares in the original capital shall have been converted or which shall be substituted for the same under the provisions of this Act.

Transfers of existing shares to operate as transfers of new shares.

#### ADDITIONAL CAPITAL.

**27.** The Company may from time to time raise additional capital not exceeding in the whole four hundred and fifty

Power to Company to raise

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additional  
capital.

thousand pounds by the creation and issue of new ordinary shares or stock and new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds. Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of four hundred and fifty thousand pounds.

Part of ad-  
ditional  
capital may  
be raised as  
ordinary  
capital with  
standard  
dividend.

**28.** Of the sum of four hundred and fifty thousand pounds by this Act authorised to be raised by the creation and issue of new ordinary or preference shares or stock any sum or sums not exceeding in the whole one hundred thousand pounds may if the Company by resolution so decide be raised by the creation and issue at such time or times as the Company may determine of new ordinary shares or stock forming part of the five per centum capital the rate of dividend on which shall not in any half-year except as by this Act provided exceed five pounds per annum in respect of every one hundred pounds actually paid up on such shares or stock.

New shares  
or stock to  
be sold by  
auction or  
tender.

**29.** All shares or stock created under the powers of this Act shall except as by this Act otherwise expressly provided be issued in accordance with the provisions of section 37 (New shares or stock to be sold by auction or tender) of the Act of 1913 and that section shall apply to such issue as if the shares or stock to be issued were shares or stock created under the powers of that Act.

Privileges  
&c. of  
holders of  
additional  
capital.

**30.** Except as by this Act otherwise provided the additional capital created by the Company under the powers of this Act shall be part of the general capital of the Company and the new shares or stock therein and the holders thereof respectively shall in proportion to the amount of their shares or stock be entitled to the like rights of voting (except as hereinafter provided) and any other rights qualifications and privileges and be subject to the like provisions and liabilities as if that capital were part of the capital of the Company authorised by the Act of 1896 of the same class or description and the new shares or stock were shares or stock in that capital.

[9 & 10 GEO. 5.] *Bournemouth Gas and Water* [Ch. xlviii.]  
*Act, 1919.*

**31.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock in the additional capital created under the powers of this Act to which a preferential dividend shall be assigned.

A.D. 1919.  
Restriction  
as to votes  
in respect of  
preference  
capital.

**32.—(1)** The profits of the Company which may be divided in respect of any half-year commencing after the thirty-first day of December one thousand nine hundred and nineteen among the holders of the ordinary and preference capital of the Company shall not (except as mentioned in subsection (2) of this section) exceed the following rates namely:—

Dividends  
of Company  
limited.

On the preference capital issued under the provisions of the Act of 1873 the Act of 1896 the Act of 1902 and the Act of 1903 or any of them the rate of six per centum per annum;

On any preference capital to be issued under the provisions of the Act of 1913 or of this Act such rate (not exceeding the rate of six per centum per annum) as shall be specified in the resolution creating such stock;

On the original capital (until the conversion thereof into five per centum capital) the rate of ten per centum per annum;

On the five per centum capital the rate of five per centum per annum;

On the additional capital issued and to be issued under the Bournemouth Gas and Water Acts 1873 to 1919 or any of them otherwise than as preference capital or five per centum capital the rate of seven per centum per annum.

(2) Notwithstanding the foregoing provisions of this section the respective rates of dividend of ten per centum per annum and five per centum per annum (in this Act referred to as "the standard rates of dividend") payable on the original capital (until the conversion thereof as aforesaid) and the five per centum capital respectively shall in respect of any half-year commencing after the said thirty-first day of December one thousand nine hundred and nineteen be subject to alteration in accordance with the provisions of the section of this Act of which the marginal note is "Price of gas Sliding scale."

A.D. 1919.

Power to  
borrow.

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

Appoint-  
ment of  
receiver.

**34.** Section 27 (Arrears may be enforced by appointment of a receiver) of the Act of 1873 and section 41 (Arrears may be enforced by appointment of a receiver) of the Act of 1913 are hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending under the said sections or either of them at the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Debenture  
stock.

**35.**—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and section 40 (Debenture stock) of the Act of 1913.

(2) Notice of the effect of the said section 40 shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Issue of re-  
deemable  
preference  
capital and  
debenture  
stock.

**36.**—(1) If the Company desire to raise by the issue of preference shares or stock any capital which they are by this Act authorised to raise or to issue any debenture stock under the powers of this Act they may create and issue such preference shares or stock or debenture stock (all of which are in this section included in the expression "shares or stock") so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

[9 & 10 GEO. 5.] *Bournemouth Gas and Water* [Ch. xlviii.]  
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(2) If it is so provided in the resolution the Company may— A.D. 1919.

(A) Call in and pay off the shares or stock or any part thereof at any time before the fixed date of redemption; and

(B) Redeem the shares or stock or any part thereof either by paying off the shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor and may for the purpose of providing money for paying off the shares or stock or of providing substituted shares or stock create and issue new shares or stock (either redeemable or irredeemable) or re-issue shares or stock originally created and issued under this section provided that (subject and without prejudice to the right of the Company to create and issue preference or ordinary shares or stock shortly before the date for redemption of any redeemable preference shares or stock in order to pay off such last-mentioned shares or stock) the creation and issue of any preference or ordinary shares or stock under this subsection does not make the total amount for the time being raised by the creation and issue of preference and ordinary capital under this Act exceed the amount which the Company are by this Act authorised so to raise and provided also that (subject and without prejudice to the right of the Company to create and issue debenture stock shortly before the date for redemption of any redeemable debenture stock in order to pay off such last-mentioned debenture stock) the total amount for the time being raised by the creation and issue of debenture stock under this Act is not in excess of the amount which the Company are by this Act authorised so to raise.

**37.** All money to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of any former Act relating to the Company or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the

Priority of mortgages and debenture stock over other debts.

A.D. 1919. passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section affect any claim for land taken used or occupied by the Company for the purposes of the undertaking and the works by this Act authorised or injuriously affected by the construction thereof or by the exercise of any power conferred upon the Company.

Priority of principal moneys secured by existing mortgages and bonds.

38. The principal moneys secured by all mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing of this Act shall during the continuance of such mortgages and bonds have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Receipt in case of persons not sui juris.

39. If any money is payable to any shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian receiver or committee of his estate shall be a sufficient discharge.

Application of money.

40.—(1) All moneys raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of shares or stock under the provisions of this Act (after deducting therefrom the expenses of and incident to such issue) shall not be considered as part of the capital of the Company entitled to dividend Provided that all such sums shall for the purpose of determining the powers of the Company to raise money by borrowing or the amount which the Company may carry to any reserve or other fund but for no other purpose be reckoned as part of the paid-up capital.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any capital moneys which they have raised or are authorised to raise under the Bournemouth Gas and Water Acts 1873 to 1913 or any of them.

PRICE OF GAS SLIDING SCALE AND OTHER FINANCIAL  
PROVISIONS.

A.D. 1919.

41.—(1) As from the first day of January one thousand nine hundred and twenty section 7 (Fixing standard price of gas with sliding scale as to dividend) of the Act of 1878 (except the second proviso to that section) shall be and the same is hereby repealed and the following provisions shall have effect in lieu of the provisions so repealed (that is to say):—

Price of gas  
Sliding  
scale.

The standard price to be charged by the Company for gas supplied by them to persons who shall consume the same by meter other than a prepayment meter shall be four shillings and sixpence per one thousand cubic feet. Provided that the Company may increase or reduce the price charged by them for gas so supplied above or below the said standard price subject to a reduction or increase in the rates of dividend on the original capital (until the conversion thereof into five per centum capital by virtue of this Act) and the five per centum capital as follows:—

In respect of any half-year during any part of which the price so charged by the Company within the borough of Bournemouth shall have been one penny or part of a penny above the said standard price the dividend payable by the Company on the original capital (until the conversion thereof as aforesaid) and the five per centum capital respectively shall in respect of each penny or part of a penny by which the price so charged shall have been above such standard price be reduced below the standard rate of dividend by two shillings and sixpence on every one hundred pounds of the original capital and one shilling and threepence on every one hundred pounds of the five per centum capital and so in proportion for any fraction of one hundred pounds;

In respect of any half-year during the whole of which the price so charged by the Company within the said borough shall have been one penny or more below the said standard price the dividend payable by the Company on the original capital (until the conversion thereof as aforesaid) and the five per centum capital respectively may in respect of each one penny by which the price so charged shall have been below such

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standard price be increased above the standard rate of dividend by two shillings and sixpence on every one hundred pounds of the original capital and one shilling and threepence on every one hundred pounds of the five per centum capital and so in proportion for any fraction of one hundred pounds:

Provided that if in any half-year the dividends payable shall comprise a fractional amount less than one-quarter of one per centum the directors may defer the payment of such fractional amount until the payment of and pay the same with the next or some succeeding dividend.

(2) Nothing in this section shall interfere with or affect the operation of section 28 (Price of gas in Christchurch district) or section 29 (Price of gas in area in Third Schedule) of the Act of 1913.

As to dividends on ordinary capital other than original capital and five per centum capital.

**42.**—(1) In respect of any half-year in respect of which dividends are paid on the original capital (until the conversion thereof pursuant to this Act) and the five per centum capital at rates not less than seven per centum per annum and three and a half per centum per annum respectively there shall be paid on the ordinary capital (other than the original capital and the five per centum capital) a dividend at the rate of seven per centum per annum.

(2) In respect of any half-year in respect of which dividends are paid on the original capital and the five per centum capital at rates less than seven per centum per annum and three and a half per centum per annum respectively there shall be paid on such other ordinary capital as aforesaid a dividend at a rate less than seven per centum per annum by one per centum per annum—

(A) for each one per centum by which the rate of the dividend so paid on the original capital is less than seven per centum per annum; and

(B) for each one-half of one per centum by which the rate of the dividend so paid on the five per centum capital is less than three and a half per centum per annum;

and so in proportion for any smaller fraction representing or comprised in the diminution below seven per centum or three and a half per centum of the rate per centum per annum of



the dividend paid on the original capital and the five per centum capital respectively. A.D. 1919.

(3) Section 40 (Dividends on different classes of ordinary shares or stock) of the Act of 1896 shall be and the same is hereby repealed.

**43.**—(1) After the passing of this Act the ordinary meetings of the proprietors of the Company shall be held annually instead of half-yearly and shall in every year be held in the month of February or March and at such place as the directors may from time to time determine. Annual  
ordinary  
meetings and  
half-yearly  
dividends.

(2) The directors may if it appears to them that the profits of the Company are sufficient declare and pay in respect of any half-year ending on the thirtieth day of June dividends on the preference and ordinary capital of the Company out of the profits of the Company without the sanction or direction of a general meeting but such dividends shall not exceed the following respective rates (that is to say):—

As regards such preference capital one-half of the rate of preferential dividend assigned thereto;

As regards the original capital (until the conversion thereof into five per centum capital) and the five per centum capital the respective rates of dividend payable thereon in respect of that half-year as determined pursuant to the section of this Act of which the marginal note is “Price of gas Sliding scale”;

As regards the ordinary capital (other than the original capital and the five per centum capital) the rate of dividend payable thereon in respect of that half-year as determined pursuant to the section of this Act of which the marginal note is “As to dividends on ordinary capital other than original capital and five per centum capital.”

(3) Any dividend declared at an annual ordinary meeting of the Company shall be deemed to be a dividend in respect of the period subsequent to that in respect of which the last previous dividend was declared whether under the provisions of this section or otherwise.

(4) The directors may close the register of transfers for a period not exceeding one month immediately preceding the day appointed for holding each annual ordinary meeting and also (in any year in which it is proposed to exercise the powers of subsection (2) of this section) for a period not exceeding

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A.D. 1919. one month commencing on any day in the first week of August in that year and shall give seven 'days' notice of the day of closing such register by advertisement in some newspaper circulating within the area in which the principal office of the Company is for the time being situate and any transfer delivered to the secretary of the Company to be registered during the time when such register is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the declaration of any such dividend.

(5) Notwithstanding anything contained in section 116 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company and the directors thereof shall not be required to make up a half-yearly balance sheet and accounts but they shall make up annually to the thirty-first day of December such a balance sheet and accounts as are referred to in that section relating to the transactions of the Company in the course of the preceding year.

(6) Section 35 (First directors) of the Act of 1873 shall be read and have effect as if the expression "the ordinary meeting to be held in every year" were substituted therein for the expression "the first ordinary meeting to be held in every year."

Amendment  
of section 49  
of Act of  
1896.

44. As from the passing of this Act section 49 (Rate of interest on mortgages and debenture stock) of the Act of 1896 shall be read and have effect as if the words "six per centum per annum" had been inserted therein in lieu of the words "four per centum per annum" wherever such last-mentioned words occur in that section.

Amendment  
of section 50  
of Act of  
1896.

45.—(1) As from the passing of this Act section 50 (Mortgages and debenture stock to be offered by auction or tender) of the Act of 1896 shall be read and have effect as if the words "and the reserve price put upon such mortgages or debenture stock shall not be less than the nominal amount thereof" were omitted from the proviso to subsection (1) thereof and as if the words "and the reserve put upon such mortgages or debenture stock may upon such second auction or tender if the directors of the Company think fit be less than the nominal amount thereof" were omitted from subsection (4) thereof.

(2) Notwithstanding anything contained in the said section 50 of the Act of 1896 it shall not be obligatory upon the Company to make such second offer for sale by auction or by tender as is referred to in subsection (4) of that section before offering to the holders of ordinary shares or stock of the Company any mortgages or debenture stock not sold on the first occasion of offering the same for sale by auction or by tender but if such second offer for sale by auction or tender is not made the price at which the mortgages or debenture stock are offered to such holders shall be the reserved price put upon the same for the purpose of such first offer for sale by auction or by tender.

A.D. 1919.

**46.**—(1) The directors may with the sanction of a majority of the votes of the shareholders present personally or by proxy and entitled to vote and voting at an extraordinary general meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees of the Company or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking or of any part of the undertaking as part of the terms of remuneration for the services of any such employee.

Profit  
sharing and  
savings.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything contained in any Act relating to the Company the directors may if and whenever required by any persons being the trustees under any such scheme so to do issue to any employee of the Company or to such trustees such amount of ordinary shares or stock as the trustees may specify (being within the limit of the amount of capital which the Company may for the time being be authorised to issue) without first offering such shares or stock for sale by public auction or tender Provided that any shares or stock issued under the provisions of this section shall be issued at the average price at which according to the Company's books sales of shares or stocks of the same class were effected within the

A.D. 1919. period of six months immediately preceding the issue or if there has been only one sale or no sale of shares or stock of the same class within the said period then at the price at which the last sale of shares or stock of the same class was effected making such due allowance in each case for any enhancement in price by reason of any accrued dividend as may be determined by the directors.

(4) The directors may also in connexion with any such scheme or otherwise accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

Regulations affecting profit-sharing scheme.

47.—(1) The provisions and regulations respectively set forth in Parts I. and II. of the Third Schedule to this Act shall apply and have effect in relation to (A) any shares or 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 employees of the Company or any of them to participate in the profits of the Company and (B) to any money deposited with the Company by any person in their employment otherwise than under any such scheme and such provisions and regulations shall come into force on the date of the passing of this Act.

(2) The Board of Trade if they think fit may at the request of the Company by order revoke alter or add to any of the said regulations or make any new 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.

#### ADMINISTRATIVE PROVISIONS.

Notice of candidature for office of director.

48. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director

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*Act, 1919.*

of the Company unless notice in writing signed by a shareholder of the Company that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company fourteen days at least before the day of election. A.D. 1919.

49. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy. Appointment of proxies.

50. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares in the capital of the Company any one of those persons may vote at any meeting at which holders of shares of the same class are entitled to vote either personally or by proxy in respect of the shares as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares shall alone be entitled to vote in respect thereof. Joint holders.

MISCELLANEOUS.

51. The Bournemouth Gas (Standard of Calorific Power) Order 1917 shall be read and have effect as if as respects gas supplied by the Company in the borough of Bournemouth or in the borough of Poole the words "twenty-tenths" had been inserted therein instead of the words "fifteen-tenths." As to pressure.

52. Notwithstanding anything contained in any enactment to the contrary the Company shall not be obliged until the expiration of six months from the service of notice upon the Company requiring them so to do to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is at the date when such notice is served insufficient for such purpose. Amending obligations as to supply of gas.

A.D. 1919.

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

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

- (1) The Company may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Company's mains and the meter so far as such pipes and fittings are intended to be covered over:
- (2) The Company may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:
- (3) The specification shall be published twice in some newspaper circulating within the limits of supply and a copy thereof shall be kept exhibited in the office of the Company:
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Company's main but within the outside wall of the building:
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Company and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Company. Any officer of the Company duly appointed may, between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Company's specification or if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Company 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 Company's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid. A.D. 1919.

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

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

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

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

A.D. 1919.

Power to  
Company to  
repair com-  
munication  
pipes.

**56.** If it should appear to the Company that by reason of any injury to or defect in any communication pipe for the supply of water which is situate in a street any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Company to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Company in executing such repairs shall be recoverable by the Company from the owner of the premises supplied or in any case where the communication pipe is repairable by the occupier of such premises from the occupier.

Authenti-  
cation and  
service of  
notices by  
Company.

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

Recovery of  
penalties &c.

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

Recovery of  
demands.

**59.** Proceedings for the recovery of any demand made under the authority of this Act or the Bournemouth Gas and Water Acts 1873 to 1913 or any of them or any incorporated



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enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1919.

**60.** Nothing in this Act shall extend to or authorise any interference with any works of the Bournemouth and Poole Electricity Supply Company Limited or their successors as undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. For protection of Bournemouth and Poole Electricity Supply Company Limited.

**61.** Nothing in this Act shall exempt the Company or their undertaking 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. Saving as to general Acts.

**62.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). Crown rights.

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

A.D. 1919. The **SCHEDULES** referred to in the foregoing Act.

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**THE FIRST SCHEDULE.**

**PART I.**

**ADDITIONAL GAS LANDS.**

(A) Lands comprising the inclosure numbered 378 on the  $\frac{25100}{2500}$  Ordnance Map Second Edition 1902 Dorset Sheet XLIII.-16 and bounded on the north-east by the said railway of the London and South Western Railway Company and on all other sides by lands leased to and in the occupation of the Company.

(B) Lands comprising in part a portion of the foreshore known as Mudlands such lands being bounded on the north-east as to part thereof by the said railway of the London and South Western Railway Company and as to the remainder thereof by the western boundary of the portion of Mudlands now belonging to and in the occupation of the Company on the south-east by an imaginary line drawn parallel with and at a distance of 300 feet measured in a south-easterly direction from the south-eastern boundary of the said portion of Mudlands belonging to the Company such line extending from the said railway to Green Road on the south-west by Green Road and on the north-west as to part thereof by the premises known as No. 1 Green Road and as to the remainder thereof by the south-eastern boundary of the said portion of Mudlands belonging to the Company.

**PART II.**

**OTHER LANDS AUTHORISED TO BE ACQUIRED.**

(c) Lands bounded on the north-east by the railway of the London and South Western Railway Company on the west by the rear of the premises known respectively as Nos. 161 163 165 167 169 171 and 173 High Street on the south in part by the rear of the premises known as Nos. 159 and 159A High Street or one of them and in part by the approach road to the offices of the Company at Beech Hurst and on the east by lands leased to and in the occupation of the Company.

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*Act, 1919.*

(D) The shop and premises known as No. 155 High Street in the occupation of Messrs. Rogers and Boyd. A.D. 1919.

(E) The shop and premises known as No. 157 High Street in the occupation of John Scott.

(F) The shop and premises known as Nos. 159 and 159A High Street in the occupation as to part thereof of E. H. Mooring Aldridge and as to the remainder thereof of Harry John Cole.

(G) The shops and premises known as Nos. 171 and 173 High Street in the occupation as to 171 of F. Geall and as to 173 of Messrs. Godwin and Co.

**THE SECOND SCHEDULE.**

**PROPERTIES OF WHICH PART MAY BE TAKEN.**

Numbers on deposited Plans.	Description of Property.
7	Dwelling-house and garden.
8	Dwelling-house outhouses and garden.
9	Dwelling-house outhouses and garden.
10	Dwelling-house outhouse and garden.
11	Dwelling-house outhouse and garden.
12	Dwelling-house outhouse and garden.
13	Dwelling-house outhouse and garden.
14	Dwelling-house outhouse and garden.
15	Dwelling-house and garden.
16	Dwelling-house and garden.
17	Dwelling-house and garden.
18	Dwelling-house outhouse and garden.
19	Dwelling-house outhouse and garden.
20	Dwelling house outhouse and garden.
21	Dwelling-house outhouse and garden.
22	Dwelling-house and garden.
23	Dwelling-house and garden.
24	Dwelling-house and garden.
25	Dwelling-house and garden.
29	Allotment land.
30	Allotment land.

A.D. 1919.

THE THIRD SCHEDULE.

REGULATIONS AFFECTING PROFIT-SHARING SCHEME.

PART I.

REGULATIONS AS TO DISPOSAL OF STOCK &C. ON DEATH OF COPARTNER.

**Definitions.**

1. In this schedule "the directors" and "the copartnership secretary" mean respectively the directors and the copartnership secretary of the Company "the trustees" means the trustees appointed under any scheme for the time being in force enabling the employees of the Company or any of them to participate in the profits of the Company "appointor" means any person entitled to make a nomination under clause 2 of this Part of this schedule "stock" means stock of the Company and except in clause 8 of this Part of this schedule includes shares in the capital of the Company "deposits" means and includes any bonus to which the employee may be entitled under the copartnership rules accumulations of dividend and interest savings and other sums of money of an appointor or due to him under any such scheme "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 average price at which according to the Company's books sales of stock of the same class were effected within the period of six months immediately preceding the date on which the value of the stock is required to be determined or if there has been only one sale or no sale of such stock during such period then at the price at which the last sale of such stock was effected 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 Company or having any bonus accumulation of dividend and interest savings or other sums of money left in the hands of or deposited with the Company under any such scheme or having any money deposited with the Company 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. A.D. 1919.

3. 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. Revocation of nominations.

4. A nomination made under the provisions of this schedule by a person in the employment of the Company shall not be revoked or avoided by the marriage of such person subsequently to the making by him of such nomination and such nomination shall notwithstanding such marriage but in other respects subject to the provisions of this schedule remain in full force and effect. Marriage not to revoke nomination.

5. 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 clause 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 less) until the said claim has been satisfied disproved or withdrawn. Proceedings on death 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.—(i) 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 Disposal in case of no nomination.

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*Act, 1919.*

A.D. 1919. 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—

(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 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) 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 copartnership 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 less) until the said claim has been satisfied disproved or withdrawn.

(ii) 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.

(iii) 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 Company or the directors or the trustees by any other person. Provided nevertheless that the legal personal representative of the deceased appointor shall have a 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.

A.D. 1919.

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 a share or of one pound of stock either alone or together with an integral number of shares or of pounds of stock it shall be lawful for the directors in lieu of registering such beneficiary as holder of such fractional part of a share or 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 share or 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 a share or of one pound of stock shall forthwith be registered in the names of the trustees but the directors shall not be required to register any transfer of stock which would involve the separate holding of a less amount of stock than five pounds.

Provisions as to fractional parts of shares or 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 resolution to appoint any person

Directors may appoint trustee for

A.D. 1919  
beneficiary  
under six-  
teen.

whom they think fit to act as a trustee for such beneficiary and there-  
upon 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 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.

Infant bene-  
ficiary over  
sixteen may  
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 Company 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 that 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 the 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 on receipt of 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. A.D. 1919.

## PART II.

### REGULATIONS AS TO NOMINATIONS.

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 copartnership secretary during the lifetime of the appointor.

4. A nomination or a revocation when received by the copartnership secretary shall be registered by him forthwith and the receipt thereof shall be acknowledged but the copartnership 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 copartnership 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 hereinafter 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

[Ch. xlviii.] *Bournemouth Gas and Water* [9 & 10 GEO. 5.]  
*Act, 1919.*

A.D. 1919. 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.

Printed by EYRE and SPOTTISWOODE, LTD.,

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