



CHAPTER cliv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Hoylake and West Kirby Gas Killamarsh Gas Sedbergh Gas and Westbury Gas. A.D. 1897.
[6th August 1897.]

WHEREAS under the authority of the Gas and Water Works Facilities Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 70.

And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act 1870 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

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

1. This Act may be cited as the Gas Orders Confirmation (No. 1) Act 1897. Short title.

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

3. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or urban district or in any parish or Special provisions as to houses of labouring class.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 Vict.]
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A.D. 1897. — part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of such persons who are residing with them.

SCHEDULE.

LIST OF ORDERS.

HOYLAKE AND WEST KIRBY GAS.—Order empowering the Hoylake and West Kirby Gas and Water Company Limited to raise additional Capital for the purposes of their Gas Undertaking.

KILLAMARSH GAS.—Order empowering the Killamarsh Gas Light and Coke Company Limited to construct and maintain Gasworks and to make and supply Gas within the parish of Killamarsh in the county of Derby.

SEDBERGH GAS.—Order empowering the Sedbergh New Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the township of Sedbergh in the parish of Sedbergh in the west riding of the county of York.

WESTBURY GAS.—Order empowering the Westbury Gas and Coke Company Limited to maintain and continue Gasworks to construct and maintain additional Works to purchase additional Lands and to manufacture and supply Gas within the parishes of Westbury Upton Seudamore Dilton Marsh Bratton Edington and Heywood-cum-Hawkeridge in the county of Wilts.

HOYLAKE AND WEST KIRBY GAS.

A.D. 1897.

Order empowering the Hoylake and West Kirby Gas and Water Company Limited to raise additional Capital for the purposes of their Gas Undertaking.

*Hoylake
and West
Kirby.*

1. This Order may be cited as the Hoylake and West Kirby Gas Order 1897. Short title.
2. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order." Commence-
ment of Order.
3. The Hoylake and West Kirby Gas and Water Order 1878 and the Hoylake and West Kirby Gas Order 1890 (in this Order referred to respectively as "the Order of 1878" and "the Order of 1890") as amended by this Order and this Order shall be construed together except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction
of Order.
4. The Hoylake and West Kirby Gas and Water Company Limited shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers." Undertakers.

Additional Capital.

5. The limitation prescribed by the Order of 1878 as amended by the Order of 1890 with respect to the amount of the Share Capital of the Undertakers for the purposes of the gas undertaking shall not prevent the Undertakers from raising for such purposes further share capital (in this Order referred to as "the new capital") not exceeding nine thousand pounds including any premiums that may be obtained on the sale of any shares under the provisions of this Order Provided that the share capital of the Undertakers in respect of their gas undertaking shall not for such purposes exceed in the whole twenty-six thousand pounds unless the Undertakers are hereafter authorised to raise further share capital by Provisional Order under the Gas and Water Works Facilities Act 1870 or by Act of Parliament. Additional
capital.
6. The Undertakers shall when any shares forming part of the new capital are to be issued and before offering the same to the holders of any other share or stock of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers. New shares
to be offered
by auction or
tender.

A.D. 1897.

*Hoylake
and West
Kirby.*When pro-
prietor tenders
same amount
as any other
person pro-
prietor to be
declared the
purchaser.Purchase-
money of
capital sold
to be paid
within three
months.Notice to be
given of sale
of shares.Shares not sold
by auction or
tender to be
offered to
shareholders.Application
of premium
arising on
issue of shares.Limit of
dividend on
new capital.

7. Where the amount bidden or tendered by the proprietor of any share or stock in the capital of the Undertakers for the purposes of the gas undertaking for any share or stock offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for such last-mentioned share or stock by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such share or stock.

8. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months after such sale.

9. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

10. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock in the capital of the Undertakers for the purposes of the gas undertaking in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the new capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserved price put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any stock or shares not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

11. Any sum of money which may arise by way of premium from the issue of any shares under the provisions of this Order after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the gas undertaking or in paying off money borrowed or owing on mortgage by the Undertakers in respect of the said undertaking and shall not be considered as part of the capital of the Undertakers entitled to dividend. Provided that in any case where a power to create an insurance fund is made proportionate to the paid up capital the premium received from the sale of shares or stock by auction or tender as herein-before provided shall for such purpose be reckoned as part of the paid up capital.

12. Except as by Section 20 of the Order of 1890 (which shall be deemed to apply to the capital to be raised under this Order) is provided the Undertakers

[60 & 61 VICT.] *Gas Orders Confirmation (No. 1)* [Ch. cliv.]
Act, 1897.

shall not in any year declare or make out of their profits any larger dividends on the new capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

A.D. 1897.

*Hoylake
and West
Kirby.*

13. In case in any year or in any half-year if the Undertakers declare a dividend half-yearly the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rate of dividend on each class of ordinary shares or stock in the capital of the Undertakers for the purposes of the gas undertaking a proportionate reduction shall be made in the dividends payable on each class.

Dividend on different classes of ordinary shares to be paid proportionately.

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

Limit of borrowing powers.

15. It shall not be lawful for the Undertakers to manufacture gas or residual products or to store gas on any lands other than the lands described in Schedule A to the Order of 1878 annexed.

Undertakers not to manufacture gas &c. or store gas except on certain lands.

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

Costs of Order.

KILLAMARSH GAS.

Order empowering the Killamarsh Gas Light and Coke Company Limited to construct and maintain Gasworks and to make and supply Gas within the parish of Killamarsh in the county of Derby.

Killamarsh.

1. This Order may be cited as the Killamarsh Gas Order 1897.

Short title.

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

Commencement of Order.

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

Incorporation of Acts.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such

Interpretation.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 Vict.]*
Act, 1897.

A.D. 1897. rates as reduced or increased in accordance with the provisions of this Order
Killamarsh. and the several words terms and expressions to which by any Act in whole or in
part incorporated with this Order and by the Gas and Water Works Facilities
Act 1870 meanings are assigned have the same respective meanings and in
the construction of this Order or of any such Act for the purposes of this
Order the expression "the undertaking" shall include the gasworks and works
connected therewith by this Order authorised to be constructed and maintained
and the expression "deposited map" shall mean the map relating to the
undertaking deposited for the purposes of this Order.

Limits of
Order.

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

Undertakers.

Undertakers.

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

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of the undertaking
shall not exceed five thousand pounds unless the Undertakers are hereafter
authorised to raise for such purposes additional capital by Provisional
Order under the Gas and Water Works Facilities Act 1870 or by Act of
Parliament.

Limits of
dividend on
capital.

8. Except as by this Order expressly provided the Undertakers shall not in
any year declare or make out of their profits any larger dividends on their capital
than the standard rates of dividend herein-after mentioned namely ten pounds
in respect of every one hundred pounds actually paid up of such capital as may
be issued as ordinary capital or six pounds in respect of every one hundred
pounds actually paid up of such capital as may be issued as preference capital.

Limit of
borrowing
powers.

9. The amount of all moneys borrowed by the Undertakers and secured by
mortgage of the undertaking shall not at any time exceed in the whole one
thousand two hundred and fifty pounds and no higher rate of interest than five
pounds per centum per annum shall be paid by the Undertakers without the
consent of the Board of Trade in respect of any moneys borrowed by the
Undertakers after the commencement of this Order and secured as aforesaid.

Purchase of Land.

Power to
acquire lands.

10. The Undertakers may for the purposes of the undertaking (by agree-
ment but not otherwise) purchase or take on lease and hold such of the lands
shown on the deposited map and described in Schedule A to this Order
annexed as they may require for the purposes of the undertaking.

Power to
purchase ad-
ditional land.

11. The Undertakers may for the purposes of the undertaking (by agreement
but not otherwise) purchase or take on lease and hold in addition to the lands
shown on the deposited map and described in Schedule A to this Order
annexed any lands which they may require. Provided that they shall not at
any time hold for such purposes more than three acres of land in the whole in

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addition to the lands described in the said schedule and they shall not create or permit a nuisance on any such lands and that no lands shall be used by the Undertakers for the purpose of manufacturing gas or residual products or of storing gas except the lands described in the said schedule. A.D. 1897.
Killamarsh.

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

12. The Undertakers on the lands shown on the deposited map and described in Schedule A to this Order annexed when they have acquired and while they are possessed of the same may construct and maintain and from time to time alter and enlarge renew or discontinue retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to provisions of this Order make and store gas and supply and sell the same within the limits of supply and may manufacture and store coke tar pitch asphaltum ammoniacal liquor oil and other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at the gasworks and elsewhere and may also deal in and sell lime at the works and elsewhere and they may also construct and maintain and from time to time alter enlarge extend and renew or discontinue houses offices buildings and other works connected with the undertaking. Undertakers
 may construct
 and maintain
 gasworks on
 lands described
 in Schedule A
 and may
 make and sell
 gas &c.

13. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas-meters fittings gas-stoves and cooking and other apparatus and may also manufacture purchase hire sell let or deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof. Power to
 Undertakers
 to purchase
 and supply
 gas appliances
 and apparatus.

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

15. The Undertakers may from time to time enter into and carry into effect and alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any local authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district. Power to con-
 tract for sale
 of gas in bulk.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 VICT.]*
Act, 1897.

A.D. 1897.

Killamarsh.
For protection
of the Midland
Railway
Company.

16. All works to be done by the Undertakers in the exercise of the powers conferred by this Order in any way affecting the railway of the Midland Railway Company or any of the bridges or works thereof or any lands or property belonging to the said Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said Company and according to plans to be reasonably approved by him but in all things at the expense of the Undertakers and so as to cause no injury to such railway bridges works lands or property or interruption to the passage or conduct of traffic over such railway and if in consequence of the execution of such works any injury be caused to such railway bridges lands or property or any interruption be caused to such traffic the Undertakers shall make full compensation to the said Company in respect of such injury or interruption the amount of such compensation failing agreement to be settled by arbitration in the manner provided for settling cases of disputed compensation by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement.

Difference
with railway
and other
companies.

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

Quality of Gas.

Quality of gas.

18. The quality of gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

19. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings per thousand cubic feet and so in proportion for any less quantity Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly A copy of such order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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Pressure of Gas.

A.D. 1897.

20. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Killamarsh.
Pressure of
gas.

Testing Gas.

21. The Undertakers shall before supplying gas under the authority of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority and two hours' previous notice shall be given to the Undertakers of the time and place at which such testing is to be conducted.

Testing gas.

Miscellaneous.

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

Power to re-
fuse to supply
persons in
debt for
other property.

23. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the last completed quarter and the current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in a court of competent jurisdiction for the recovery of debts of like amount.

Period of
error in
defective
meters.

24. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

No penalty in
case of un-
avoidable
cause.

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Killamarsh.
Undertakers
to pay
interest on
deposit.

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

Costs of
Order.

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

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

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

SCHEDULES.

SCHEDULE A.

GAS LANDS.

A piece or parcel of land containing by admeasurement 3a. 16p. or thereabouts situate in the parish of Killamarsh in the county of Derby and distant thirty yards or thereabouts measured in a northwardly direction from the Sheffield Road Killamarsh aforesaid which said piece or parcel of land was formerly part of a certain piece or parcel of meadow land commonly called or known by the name of Badger Meadow and now belonging or reputed to belong to and in the occupation of William Smith and is numbered 127 on the 25-inch Ordnance Map of the said parish bounded on the north by land belonging or reputed to belong to William Henry Wagstaff on the east by land belonging or reputed to belong to Reginald Walkelyne Chandos-Pole on the south in part by land belonging or reputed to belong to Sir George Reresby Sitwell Bart. and in other part by land belonging or reputed to belong to William Munn Hunter and on the west by land belonging or reputed to belong to the Lancashire Derbyshire and East Coast Railway Company.

SCHEDULE B.

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

(i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue, to be incorporated with or form part of the fore-

Sections 30 to
34 of Gasworks
Clauses Act

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Act, 1897.

going Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression "the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund.

A.D. 1897.

Killamarsh.
 1847 shall cease to be incorporated.

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

Price of gas with sliding scale as to dividend.

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

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

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

- (iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amount to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstances which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim

If profits exceed the amount limited excess may be invested and form an insurance fund.

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 —
Killamarsh.

demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application
 of further
 excess of
 profits over
 prescribed
 rates.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to
 create a
 reserve fund
 and application
 thereof.

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

Saving for
 existing con-
 tracts.

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

SEDBERGH GAS.

Sedbergh. Order empowering the Sedbergh New Gas Company Limited to maintain and continue Gasworks and to manufacture and supply Gas in the township of Sedbergh in the parish of Sedbergh in the west riding of the county of York.

Short title.

1. This Order may be cited as the Sedbergh Gas Order 1897.

Commence-
 ment of Order.

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

Incorporation
 of Acts.

3. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks

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Act, 1897.

Clauses Act 1847 and of the Gasworks Clauses Act 1871 are hereby incorporated with this Order except where the same are expressly varied by this Order and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1897.

—
Sedbergh.

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

Interpretation.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township of Sedbergh in the parish of Sedbergh in the west riding of the county of York.

Limits of
 Order.

Undertakers.

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

Undertakers.

Capital.

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

Capital.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share or stock of the Undertakers and whether the ordinary shares or stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a

New shares
 to be offered
 by auction or
 tender.

A.D. 1897.

Sedbergh.

sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

When proprietor tenders same amount as any other person proprietor to be declared the purchaser.

9. When the amount bidden or tendered by the proprietor of any share or stock of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the whole nominal amount of each share including any premium given by any purchaser at such sale in respect thereof shall be paid to the Undertakers within three months of such sale.

Notice to be given as to sale of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers. Provided that any share so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserved price and so from time to time until the whole of such shares is sold.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

Limits of dividend on capital.

14. The Undertakers shall not in any year make out of their profits any larger dividend on the said capital than the standard rates of dividend herein-after

mentioned namely seven pounds in respect of every one hundred pounds of the original ordinary capital and four pounds ten shillings in respect of every hundred pounds of the original preference capital and seven pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as ordinary capital or four pounds ten shillings in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

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 ———
Sedbergh.

15. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the original ordinary capital and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of ordinary shares to be paid proportionately.

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

Limits of borrowing powers.

Purchase of Lands.

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

Power to purchase additional lands.

Maintenance and Continuance of Gasworks Manufacture and Sale of Gas Coke and Residual Products.

18. The Undertakers may on the lands shown on the map deposited for the purposes of this Order and described in Schedule A. to this Order annexed while they are possessed of the same maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge retorts gasholders receivers purifiers meters apparatus and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom and they may subject to the provisions of this Order make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store coke asphaltum pitch tar ammoniacal liquor oil and all such other residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may

Undertakers may maintain and continue gasworks on lands described in Schedule A. and may make and sell gas &c.

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A.D. 1897. also construct and maintain and from time to time alter and enlarge renew
Sedbergh. or discontinue houses offices buildings and other works connected with the
undertaking.

Power to deal
in gas meters
gas stoves &c.

19. The Undertakers may at the works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing work in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take
licences for
patents &c.

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

For the pro-
tection of the
London and
North Western
Railway Com-
pany.

21. The following provisions for the protection of the London and North Western Railway Company (in this section called "the railway company") shall be in force and have effect and be binding on the Undertakers :—

In laying down and executing or in effecting the repairs and renewals of any mains pipes or other works upon across over under or in any way affecting the railways lands or property now or hereafter belonging to or used or occupied by the railway company or the bridges approaches viaducts stations or other works or any level crossings of or repairable or used by the railway company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and only according to plans and sections to be submitted to and in such manner as shall previously be reasonably approved by him and in all things by and at the expense of the Undertakers who shall restore and make good the roads over any such bridges level crossings and approaches which the railway company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Undertakers and all such works matters and things shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any injury or interruption shall arise from or be in any way owing to any of the acts operations and matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any such bridge or level crossing the Undertakers shall make compensation in respect thereof to the railway company the amount of such compensation together with full costs to be recoverable from the Undertakers by all and the same means as any simple contract debt is recoverable.

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Act, 1897.

22. In executing the works and exercising the powers by this Order authorised so far as they affect the main roads and county bridges of the west riding of the county of York the following provisions for the protection of the county council of the said west riding (in this section called "the council") shall have effect unless otherwise agreed on in writing between the council and the Undertakers (that is to say):—

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For the protection of the
West Riding
County
Council.

- (1.) All mains pipes or works to be laid in any main road shall be laid in such position as the council shall by writing under the hand of their surveyor direct and shall not be laid in upon or across any county or main road bridge or any arch connected therewith respectively but shall be carried over the stream crossed by such bridge by such means as the said surveyor shall direct entirely separate from and independent of such bridge and arch and the gradient of such bridge and of the respective approaches thereto shall not be altered :
- (2.) All works to be constructed or laid in along or across or in any way affecting any main road or any county or main road bridge or any approach thereto shall be executed at the expense of the Undertakers under the superintendence and to the reasonable satisfaction of the said surveyor and in accordance with plans and sections to be submitted to and approved of by him in writing before the commencement of any such work (except in the case of emergency arising from defect in any pipes and then as soon as is possible after the necessity for the same shall have arisen) provided that if the said surveyor shall not within one month after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (3.) The said works shall be so executed as not to stop or unreasonably interfere with the traffic of any main road or county or main road bridge or any approach thereto and all such works shall be proceeded with and completed with all possible dispatch :
- (4.) The Undertakers shall pay to the council the reasonable costs in relation to the examination of the said plans and sections and the superintendence by this section authorised :
- (5.) Notwithstanding anything in this Order contained it shall be lawful for the council at any time or times to widen divert or improve any such main road and also to remove alter widen or renew any such county or main road bridge or the approaches thereto alongside or near to which the mains pipes or works of the Undertakers are carried in the same manner as they might have widened diverted or improved removed altered or renewed any such main road or bridge or the approaches thereto if this Order had not been passed and such mains pipes or works had not been constructed or laid in or over such main road or bridge respectively without making any compensation to the Undertakers for any expense or loss to which the Undertakers may be put in consequence of such widening diversion improvement removal alteration or renewal And in the event of any such main road or bridge or the approaches thereto alongside or near to which the mains pipes or works of the Undertakers are laid being widened diverted or improved removed altered or renewed as aforesaid the Undertakers shall at their own expense as and when requested by the said surveyor remove or alter the position

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Sedbergh.

of the said mains or pipes and the works by which the same are carried alongside or near to any such main road or bridge or the approaches thereto as aforesaid but may replace the same in such position and manner alongside or near to the improved main road or bridge as the said surveyor shall approve. Provided that before or during any such widening diversion improvement removal alteration or renewal of any such main road or bridge as aforesaid the council shall afford at the like cost of the Undertakers reasonable facilities for temporarily carrying such mains or pipes along the main road or across the stream so as not to interrupt the continuous supply of gas :

- (6.) Notwithstanding anything in this Order contained if any difference arise between the council and the Undertakers as to the construction or effect of this section such difference shall be settled by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be conclusive and the costs of the reference shall be borne as he shall direct.

For the
protection of
the rural
district
council.

23. All main pipes or works to be laid in any highway other than a main road shall be laid in such position as the rural district council within whose district such pipes or works are situate shall by their surveyor direct or approve and shall be executed at the expense of the Undertakers under the superintendence of the said surveyor.

Differences
with railway
and other
companies.

24. If any difference arise between the Undertakers and any road authority or railway canal or other company other than the West Riding County Council whose lands or works the Undertakers have power to cross under the authority of this Order as to the mode of laying down repairing altering or enlarging their mains or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

25. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than sixteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

26. The price to be charged by the Undertakers for gas supplied by them shall not exceed five shillings and tenpence per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of five shillings and tenpence or by giving a standard price with sliding scale as to profits and as from the date specified in such Order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such Order. Provided further that in case such Order shall prescribe a standard price with sliding scale as to profits then as from the

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specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such Order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said gazette containing such Order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

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Sedbergh.

Pressure of Gas.

27. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Pressure of gas.

Testing of Gas.

28. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage or place (not being the immediate approach to any railway or canal bridge or railway station) vested in or under the control of any local or highway authority.

Testing of gas.

Miscellaneous.

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

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

30. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have arisen only during the last completed quarter and current quarter of the year in which the said meter shall be so tested unless the contrary shall be proved to the satisfaction of the inspector testing the said meter under the said Act. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Undertakers in pursuance of the certificate of the inspector shall be paid by or to the Undertakers to or by the consumer as the case may be and shall be recoverable in any court of competent jurisdiction for the recovery of debts of like amount.

Period of error in defective meters.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 VICT.]*
Act, 1897.

- A.D. 1897. 31. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.
- *Sedbergh.*
Exemption from penalties in certain cases.
Undertakers to pay interest on deposits.
32. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of any moneys which may become due to them by such person in respect of any supply of gas or the purchase or hire of any meter the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.
- 8 Vict. c. 16.
s. 140
incorporated.
33. Section one hundred and forty of the Companies Clauses Consolidation Act 1845 shall be and is hereby incorporated with this Order Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.
- Costs of Order.
34. All the costs charges and expenses of and incidental to the applying for preparing obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Undertakers.

SCHEDULE A.

GAS LANDS.

Lands belonging or reputed to belong to and occupied by the Undertakers containing by admeasurement 930 square yards or thereabouts situate in the town and parish of Sedbergh in the west riding of the county of York bounded on the north by land belonging or reputed to belong to the Sedbergh Wesleyan Chapel Trustees on the south in part by the main street of Sedbergh and in other part by land belonging or reputed to belong to Edward Handley on the east by an occupation road known as Castlehaw Lane and on the west by a private street called New Street.

SCHEDULE B.

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

Sections thirty to thirty-four of Gasworks Clauses Act 1847 to cease to be incorporated.

- (i.) Sections thirty to thirty-four (both inclusive) of the Gasworks Clauses Act 1847 shall not continue to be incorporated with or to form part of the foregoing Order and in construing the said Act for the purposes of the foregoing Order section thirty-five of the said Act shall be read and construed as though the words from "in case the whole" down to "have been paid" all inclusive had been omitted therefrom and as though the expression

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Act, 1897.

"the prescribed rate" included the prescribed rates as defined by the foregoing Order together with any sum which under the provisions of this schedule might lawfully be carried to the insurance fund. A.D. 1897.
Sedbergh.

(ii.) Notwithstanding anything contained in the foregoing Order the standard price to be charged by the Undertakers for gas supplied by them to private consumers by meter shall be the price prescribed by such Order of the Board of Trade as aforesaid per thousand cubic feet: Price of gas with sliding scale as to dividend.

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

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

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

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens. Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid. If profits exceed amount limited excess may be invested and form an insurance fund.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 Vict.]*
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Sedbergh.

Application
of further
excess of
profits over
prescribed
rates.

Power to
create a
reserve fund
and application
thereof.

(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

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

Saving of
existing
contracts.

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

WESTBURY GAS.

Westbury. Order empowering the Westbury Gas and Coke Company Limited to maintain and continue Gasworks to construct and maintain additional Works to purchase additional Lands and to manufacture and supply Gas within the parishes of Westbury Upton Scudamore Dilton Marsh Bratton Edington and Heywood-cum-Hawkeridge in the county of Wilts.

Short title.

1. This Order may be cited as the Westbury Gas Order 1897.

Commence-
ment of
Order.

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

Incorporation
of Acts.

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

Order) and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains pipes and works of the Undertakers laid down or constructed before the commencement of this Order and situate within the limits of supply as defined by this Order as to any mains pipes or works which may be laid down or constructed under the authority of this Order.

A.D. 1897.
Westbury.

4. In this Order the expression "the prescribed rates" means the rates of dividend authorised by this Order on the capital of the Undertakers or such rates as reduced or increased in accordance with the provisions of this Order.

Interpretation.

The expressions "deposited map" and "deposited plan" shall mean respectively the map and plan deposited for the purposes of this Order and the several words terms and expressions to which by any Act in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act 1870 meanings are assigned have in this Order the same respective meanings and in the construction of this Order or of any such Act for the purposes of this Order the expression "the undertaking" shall include the gasworks and works connected therewith by this Order authorised to be maintained and continued.

5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the whole of the several parishes of Westbury Upton Scudamore Dilton Marsh Bratton Edington and Heywood-cum-Hawkeridge in the county of Wilts.

Limits of supply.

Undertakers.

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

Undertakers.

Capital.

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

Capital.

8. The Undertakers shall when any shares forming part of the additional capital are to be issued and before offering the same to the holder of any other share of the Undertakers and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares and that the reserved price put upon

New shares to be offered by auction or tender.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61 VICT.]*
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A.D. 1897. such shares shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares of the Undertakers.

Where proprietor bids or tenders same amount as any other person proprietor to be declared the purchaser.

9. Where the amount bidden or tendered by the proprietor of any share of the Undertakers for any such lot of shares so offered for sale by auction or tender under the provisions of this Order is equal to the highest amount bidden or tendered for the same lot by any person not being a proprietor then and in every such case such proprietor shall be declared to be the purchaser of and to be entitled to such lot.

Purchase-money of shares to be paid within three months.

10. It shall be one of the conditions of any sale of shares under the provisions of this Order that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Undertakers within three months of such sale.

Notice to be given as to sale &c. of shares.

11. The intention to sell any shares by auction or tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of every local authority having jurisdiction within the limits of supply and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or by tender to be offered to shareholders.

12. When any shares have been offered for sale by auction or tender under the provisions of this Order and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares of the Undertakers in such manner as may be prescribed by a special resolution passed by the Undertakers Provided always that any shares so offered and not accepted within the time prescribed by such resolution shall again be offered for sale by public auction or tender in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the additional capital but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and the reserve put upon such shares may upon such second or any subsequent auction or tender if the directors of the Undertakers think fit be less than the nominal amount thereof and any shares not then sold shall be again offered to the holders of ordinary shares at the last-mentioned reserved price and so from time to time until the whole amount of such shares is sold.

Application of premium arising on issue of shares.

13. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Undertakers but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers and shall not be considered as part of the capital of the Undertakers entitled to dividend.

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14. Except as in this Order otherwise provided the Undertakers shall not in any year declare or make out of their profits any larger dividends on the said capital than ten pounds in respect of every one hundred pounds actually paid up of the original capital and seven pounds in respect of every one hundred pounds actually paid up of so much of the additional capital as may be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of so much of such additional capital as may be issued as preference capital.

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Westbury.

Limits of dividend on capital.

15. In case in any year or in any half-year (if the Undertakers declare a dividend half-yearly) the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares in the original and additional capital a proportionate reduction shall be made in the dividends payable on each class.

Dividends on different classes of shares to be paid proportionately.

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

Limit of borrowing powers.

Purchase of Land.

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

Power to purchase additional land.

Maintenance and Continuance of Gas Works—New Works—Manufacture and Sale of Gas Coke and Residual Products.

18. The Undertakers on the lands shown on the deposited plan and described in the Schedule A. to this Order while they are possessed of the same may maintain and continue and from time to time alter and enlarge renew or discontinue their existing gasworks and works connected therewith and may construct erect make and maintain and from time to time alter and enlarge new gasworks a new gas holder or gas holders with tank new set of purifying apparatus with sheds for storage and retorts retort houses receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and ammoniacal liquor and all other residual products obtained in the manufacture of gas and matters producible therefrom: and they may subject to the provisions of this Order manufacture and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands store tar coke pitch lime and asphaltum and manufacture and store ammoniacal liquor and sulphate of

Undertakers may maintain and continue gasworks and construct new gasworks on lands described in schedule and may make and sell gas &c.

[Ch. cliv.] *Gas Orders Confirmation (No. 1) [60 & 61, Vict.]
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A.D. 1897, *Westbury.* ammonia and all other residual products obtained in the manufacture of gas and matters producible therefrom and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain and from time to time alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

Power to Undertakers to purchase and supply gas appliances and apparatus. 19. The Undertakers may at their works or elsewhere manufacture purchase hire supply sell or let on hire gas meters fittings gas stoves and cooking and other apparatus and may also manufacture purchase hire sell let deal in and contract for doing works in connexion with fittings tubes meters pipes apparatus stoves ranges and apparatus for heating for domestic and other purposes by means of gas and all articles and things in any way connected with gasworks or with the supply use or consumption of gas and may take charges and remuneration in respect thereof.

Power to take licences for use of patents. 20. The Undertakers may subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply and not so as to acquire any exclusive right therein) contract for take and use any leave licence or authority to work use or exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working using or vending any invention in relation to the manufacture supply and distribution of gas or utilisation of any products obtainable in or arising from such manufacture or production or from materials used therein.

Power to contract for sale of gas in bulk. 21. The Undertakers may from time to time enter into and fulfil and may alter or rescind contracts and agreements with respect to the supply of gas in bulk beyond the limits of supply to any urban or rural authority or any company authorised to supply gas at such price and upon such terms and conditions as may from time to time be agreed on Provided that nothing herein contained shall be construed as conferring any powers on the Undertakers in relation to the laying down or placing of any pipe or the breaking-up of any road or street or the execution of any work beyond the limits of supply in any district without the consent of the local and road authorities of such district.

For the protection of the Great Western Railway Company. 22. For the protection of the Great Western Railway Company (herein-after referred to as "the railway company") the following provisions shall have effect :—

- (1.) Any mains or pipes which the Undertakers may lay down in or along any road crossing either over under or on the level of the railway of the railway company shall so far as they may affect such railway be laid down by the Undertakers at such times as may be reasonably required by and under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the railway company and in accordance with plans and sections (when necessary in the opinion of such engineer) previously submitted to and approved of by him in writing and any such mains or pipes from time to time renewed or repaired by the Undertakers shall be renewed and repaired in the same manner and under the like conditions provided that where and so far as any mains or pipes require to be laid under or over any level crossing of the said railway the railway company may if they elect so to do and before the Undertakers commence to lay such mains and pipes give notice to the Undertakers that they intend to lay such mains and pipes and the railway company shall thereupon themselves lay the same at the costs charges and expenses of the Undertakers

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but such costs charges and expenses shall not exceed a reasonable sum for the work executed. A.D. 1897.

(2.) The said mains and pipes shall be so laid down maintained repaired and used by the Undertakers as not to cause any damage or injury to or to impede the free and uninterrupted use of the said railway and works. *Westbury.*

(3.) The Undertakers shall at all times keep the railway company indemnified against all damages losses expenses or injuries (other than damages losses expenses or injuries occasioned by the act of God or by fire) which they or the traffic on the said railway may sustain or incur by reason or in consequence of the laying down maintaining and using of such mains and pipes as aforesaid.

(4.) The Undertakers shall acquire only such an easement across over or under the railway works or property of the railway company or any lands belonging to them as may be necessary for constructing or maintaining any of the works of the Undertakers and shall pay to the railway company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed or failing agreement as may be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be lands as far as regards the proceedings for the acquisition thereof and also for the purposes of such arbitration.

(5.) If the railway company at any time hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Undertakers may have been constructed or laid the railway company may on giving to the Undertakers fourteen days' notice in writing under the hand of their secretary or general manager for the time being and in case of any extraordinary emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Undertakers across over or under their lands railways bridges or works at any other point in as convenient a manner as circumstances will permit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Undertakers shall at their own expense shore up or support their mains pipes or other works which may be interfered with during the alteration of any bridges of the railway company and failing their doing so the railway company may do so at the reasonable expense of the Undertakers Provided always that the railway company shall at their own expense so far as possible restore and make good any mains pipes or other works of the Undertakers diverted or interfered with by the railway company as aforesaid.

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

• Difference with road authority or railway or other companies.

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Quality of Gas.

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Quality of gas.

24. The quality of the gas supplied by the Undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity to the light produced by not less than fifteen sperm candles and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act 1871.

Price of Gas.

Price of gas.

25. The price to be charged by the Undertakers for gas supplied by them shall not exceed four shillings and four pence per thousand cubic feet and so in proportion for any less quantity supplied. Provided that at any time after the expiration of three years from the commencement of this Order the Board of Trade may if they think fit by order in writing to be signed by a secretary or assistant secretary of the said Board alter the said maximum price either by substituting any other sum for the said sum of four shillings and four pence or by giving a standard price with sliding scale as to profits and as from the date specified in such order (herein-after referred to as "the specified date") the price to be charged by the Undertakers for gas supplied by them shall be in accordance with such order. Provided further that in case such order shall prescribe a standard price with sliding scale as to profits then as from the specified date the provisions set forth in Schedule B. to this Order annexed shall be in force and have effect and this Order shall be read and construed accordingly. A copy of such order made by the Board of Trade shall be published in the "London Gazette" and a copy of the said Gazette containing such order shall be conclusive evidence of the due making and validity of the same and of the contents thereof.

Pressure of Gas.

Pressure of gas.

26. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing gas.

27. The Undertakers shall within six months after the commencement of this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act 1871 and the burner to be used for testing gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter inch glass chimney and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used. Provided that any other description of burner may be used which may from time to time be approved for the purpose by the Board of Trade and any gas examiner appointed under the Gasworks Clauses Act 1871 for the purposes of this Order may from time to time subject to the terms of his appointment at such testing place or elsewhere as and when he thinks fit test the pressure at which the gas is supplied and for that purpose may open any street road passage

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or place not being the immediate approach to any railway or canal bridge or railway station vested in or under the control of any local or road authority.

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Westbury.

Miscellaneous.

28. No penalty shall be incurred by the Undertakers for insufficiency of pressure defect of illuminating power or for excess of impurity in the gas supplied by them in any case in which it is proved that such insufficiency defect or excess was produced by an unavoidable cause or accident.

Exemption
from penalty
in certain
cases.

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

Undertakers
to pay interest
on deposit.

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

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

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

Costs of
Order.

SCHEDULE A.

GAS LANDS.

A piece of land situate in the parish of Westbury in the county of Wilts containing 1391 square yards or thereabouts upon which the existing gasworks of the company are erected together with a piece of land adjoining thereto containing 605 square yards or thereabouts with the buildings thereon being Nos. 1 2 3 4 and 5 Fore Street Westbury and two stables also thereon lately purchased by the company from the Right Hon. Sir Massey Lopes Bart. which said pieces of land are bounded on the south by the main road from Westbury to Trowbridge on the west by a road called the Frogmore Lane and on the north and east by land being or reputed to be the property of Edward Endymion Porter and also a piece of land in the said parish of Westbury situate on the opposite side of the said road from Westbury to Trowbridge containing 3085 square yards or thereabouts bounded on the north by the said road from Westbury to Trowbridge on the east and south by land being or reputed to be the property of the said Edward Endymion Porter and on the west by a brook called Bitham Brook and by property belonging or reputed to belong to Shem Say.

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SCHEDULE B.

Westbury.

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

Sections 30 to 34 of Gas-works Clauses Act 1847 to cease to be incorporated.

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

Price of gas with sliding scale as to dividend.

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

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

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

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

If profits exceed amount limited excess may be invested and form an insurance fund.

(iii.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Undertakers be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in

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order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth part of the paid-up capital of the Undertakers which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Undertakers from accident strike or other circumstance which in the opinion of a court of summary jurisdiction due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said limit and so from time to time as often as such reduction happens Provided that when and so often as the said fund reaches the said limit of one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any such extraordinary claim demand or charge as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

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(iv.) If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the prescribed rates the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Application of further excess of profits over prescribed rates.

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

Power to create a reserve fund and application thereof.

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

Saving of existing contracts.

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