

**CHAPTER lxxxiii.**

An Act to provide for the transfer to the Bournemouth Gas and Water Company of the undertaking of the Wimborne Minster Gas Company Limited to extend the limits for the supply of gas by the Bournemouth Gas and Water Company and for other purposes. [2nd August 1935.]

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WHEREAS by the Bournemouth Gas and Water Act 1873 the Bournemouth Gas and Water Company Limited were dissolved and the shareholders therein were re-incorporated by the name of the Bournemouth Gas and Water Company (hereinafter referred to as "the Bournemouth Company") and were authorised to supply gas and water within the parishes and places in the counties of Dorset and Southampton specified in that Act :

And whereas the limits for the supply by the Bournemouth Company of gas and water respectively were extended and further powers were conferred upon the Bournemouth Company by subsequent Acts and Orders :

And whereas the Wimborne Minster Gas Company Limited (hereinafter referred to as "the Wimborne Company") were authorised by the Wimborne Minster Gas Order 1897 confirmed by the Gas Orders Confirmation (No. 2) Act 1897 to construct works and to supply gas within an area which comprises the urban district of Wimborne Minster and part of the parish of Colehill in the rural district of Wimborne and Cranborne in the county of Dorset as now respectively constituted :

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— And whereas the said area of supply of the Wimborne Company adjoins the area for the supply of gas by the Bournemouth Company :

And whereas it would be of advantage to the consumers of gas now supplied by the Wimborne Company that the undertaking of that company should be amalgamated with that of the Bournemouth Company and the Bournemouth Company have agreed with the Wimborne Company for the acquisition of the undertaking of that company :

And whereas it is expedient that the transfer of the undertaking of the Wimborne Company to the Bournemouth Company upon the terms set forth in this Act should be sanctioned :

And whereas it is expedient that the limits for the supply of gas by the Bournemouth Company should be extended as by this Act provided :

And whereas it is expedient that the other powers and provisions contained in this Act should be granted and made :

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

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

Short and collective titles.

1.—(1) This Act may be cited as the Bournemouth Gas and Water Act 1935.

(2) The Bournemouth Gas and Water Acts and Orders 1873 to 1934 and this Act may be cited together as the Bournemouth Gas and Water Acts and Orders 1873 to 1935.

Incorporation of Acts.

2. The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of the Bournemouth Gas and Water Acts and Orders 1873 to 1935 are hereby incorporated with this Act (namely) :—

The Lands Clauses Acts except the provisions thereof 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 and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands ;

The Gasworks Clauses Act 1847 ; and

The Gasworks Clauses Act 1871.

3. The provisions of the Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of the borrowed money into capital) and Part II of the Companies Clauses Act 1863 as amended by subsequent Acts shall so far as the same are respectively applicable and except so far as the same may be varied by or inconsistent with the provisions of the Bournemouth Gas and Water Acts and Orders 1873 to 1935 apply to any ordinary or preference stock of the Bournemouth Company to be issued under the provisions of this Act and to the proprietors thereof.

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Application of certain provisions of Companies Clauses Acts.

4. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act or by the Gas Undertakings Acts 1920 to 1934 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction ;

“ The Bournemouth Company ” means the Bournemouth Gas and Water Company ;

“ The Act of 1913 ” means the Bournemouth Gas and Water Act 1913 ;

“ The Act of 1928 ” means the Bournemouth Gas and Water Act 1928 ;

“ The existing limits of supply ” means the limits within which the Bournemouth Company are authorised to supply gas under the Bournemouth Gas and Water Act 1873 the Bournemouth Gas and Water Act 1896 the Bournemouth Gas and Water (Poole Gas Transfer) Act 1902 the Act of 1913 the Act of 1928 and the Bournemouth Gas Order 1934 ;

“ The limits of supply ” means the limits within which the Bournemouth Company are for the time being authorised to supply gas ;

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“The added limits” means the areas described in the First Schedule to this Act;

“The date of transfer” means the first day of July one thousand nine hundred and thirty-five;

“The Wimborne Company” means the Wimborne Minster Gas Company Limited;

“The Wimborne undertaking” means all the undertaking of the Wimborne Company including all lands buildings plant goods stock-in-trade stores chattels moneys credits bills investments notes rights privileges and authorities and all other the property of the Wimborne Company including things in action and the full benefit of all contracts and agreements which may have been entered into by the Wimborne Company and which shall still be in force at the date of transfer;

“Nominee” means a person nominated at any time before the date of the issue by the Bournemouth Company of stock under the provisions of this Act to the holders of shares in the capital of the Wimborne Company by notice in writing delivered to the Bournemouth Company by any person who at the date of giving such notice is and who or whose executors or administrators immediately before such first-mentioned date is or are a holder or holders of ordinary or preference shares of the Wimborne Company within the meaning of the section of this Act of which the marginal note is “Wimborne Company’s books to be evidence as to holders of shares”;

“The directors” means the directors of the Bournemouth Company.

Transfer to
Bournemouth Com-
pany of
Wimborne
undertaking
and dissolu-
tion of
Wimborne
Company.

5.—(1) As on and from the date of transfer the Wimborne undertaking shall by virtue of this Act be or be deemed to have been transferred to and vested in the Bournemouth Company upon and subject to the terms and conditions contained and for the consideration stated in this Act.

(2) As on and from the date of transfer the Wimborne undertaking shall form part of the undertaking of the

Bournemouth Company and subject to the provisions of the section of this Act of which the marginal note is "Wimborne Company to continue incorporated for specified purpose" the Wimborne Company shall be and are hereby dissolved.

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6. Notwithstanding anything contained in this Act the Wimborne Company shall for the purpose of enforcing the provisions of any agreement entered into between that company and the Bournemouth Company before the date of transfer and for that purpose only continue incorporated until the expiration of three months from the date of transfer or for such longer period as may be necessary for the purposes of any proceedings for enforcing any such agreement which may be pending at the expiration of the said period of three months but on and from the expiration of the last-mentioned period or of such longer period as aforesaid the Wimborne Company shall be and are hereby finally dissolved :

Wimborne Company to continue incorporated for specified purpose.

Provided that nothing in this section shall postpone or interfere with the transfer to and vesting in the Bournemouth Company of the Wimborne undertaking as provided by the section of this Act of which the marginal note is "Transfer to Bournemouth Company of Wimborne undertaking and dissolution of Wimborne Company" or postpone or affect the operation of any other provisions of this Act.

7. As and by way of consideration for the transfer to the Bournemouth Company of the Wimborne undertaking the Bournemouth Company shall as soon as reasonably practicable after the date of transfer and subject to and in accordance with the provisions of this Act—

Consideration for transfer of Wimborne undertaking.

- (1) issue to those persons who immediately before the date of transfer held ordinary or preference shares of the Wimborne Company or the nominees of such persons or any of them ordinary stock of the Bournemouth Company carrying a maximum dividend of seven per centum per annum or six per centum preference stock of the Bournemouth Company (to be created as hereinafter provided) as follows (that is to say) :—

To each holder of original ordinary shares of the Wimborne Company or his nominee for each such share held by him the sum of

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twenty pounds of such ordinary stock of the Bournemouth Company;

To each holder of additional ordinary shares of the Wimborne Company or his nominee for each such share held by him the sum of fourteen pounds of such ordinary stock of the Bournemouth Company; and

To each holder of preference shares (whether original or additional) of the Wimborne Company or his nominee for each such share held by him the sum of ten pounds of such preference stock of the Bournemouth Company; and

- (2) pay to those persons who immediately before the said date held ordinary shares of the Wimborne Company or the nominees of such persons sums in cash as follows (that is to say):—

To each holder of original ordinary shares of the Wimborne Company or his nominee for each such share held by him the sum of two pounds; and

To each holder of additional ordinary shares of the Wimborne Company or his nominee for each such share held by him the sum of twenty-eight shillings.

Creation of ordinary and preference stock of Bournemouth Company for purposes of transfer.

8.—(1) As on the date of transfer there shall be or be deemed to have been created by virtue of this Act and without any other requisite such nominal amounts of ordinary stock of the Bournemouth Company carrying a maximum dividend of seven per centum per annum and of six per centum preference stock of the Bournemouth Company as shall be necessary to give effect to the provisions of this Act with respect to the transfer of the Wimborne undertaking.

(2) The ordinary stock and preference stock created by virtue of this section shall be deemed to form part of and be consolidated with the ordinary stock of the Bournemouth Company carrying a maximum dividend of seven per centum per annum or the six per centum preference stock of the Bournemouth Company (as the case may be) as respectively existing at the date of transfer and save as is otherwise expressly provided by this Act

the holders of the ordinary or preference stock so created as aforesaid in proportion to the amount of their stock shall after the date of transfer be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as holders of stock of the Bournemouth Company of the same class or description. A.D. 1935.

(3) Any stock created by virtue of this section which is issued otherwise than to holders of ordinary or preference shares of the Wimborne Company or the nominees of such holders in accordance with the section of this Act of which the marginal note is "Consideration for transfer of Wimborne undertaking" shall subject to the provisions of the Gas Undertakings Act 1934 be issued in accordance with the provisions of—

(a) section 37 (New shares or stock to be sold by auction or tender) of the Act of 1913 as amended by section 11 (As to issue of shares or stock by auction or tender) of the Act of 1928 as if the stock to be issued were stock created under the powers of the Act of 1913; or

(b) section 12 (Power to offer shares or stock for subscription) of the Act of 1928;

and shall bear dividend as from such date as shall be determined by the directors at the time of the issue thereof.

9.—(1) The amounts of ordinary stock and preference stock of the Bournemouth Company to which the holders of ordinary or preference shares of the Wimborne Company or the nominees of such holders become by virtue of this Act entitled shall be vested in such holders or nominees as on and from the date of transfer and such holders or nominees shall be forthwith registered in the books of the Bournemouth Company as the holders of such amounts respectively. As to ordinary and preference stock issued to shareholders of Wimborne Company.

(2) The ordinary stock and preference stock of the Bournemouth Company so vested in the holders of ordinary or preference shares of the Wimborne Company or the nominees of such holders shall rank for dividend as from the date of transfer and as from that date the ordinary and preference shares of the Wimborne Company shall cease to bear any dividend.

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Stock created
by this Act
not to affect
Bournemouth
Company's
powers of
raising
capital.

10. The creation by virtue of this Act of ordinary stock and preference stock of the Bournemouth Company shall not affect the powers of that Company under the Bournemouth Gas and Water Acts and Orders 1873 to 1934 of raising money by the creation and issue of ordinary or preference shares or stock but those powers shall continue to be exerciseable by the Bournemouth Company as if this Act had not been passed.

As to trusts
of substi-
tuted stock.

11. The ordinary stock or preference stock of the Bournemouth Company of which the holders of ordinary or preference shares of the Wimborne Company are pursuant to the provisions of this Act registered as the holders and all sums of cash paid by the Bournemouth Company under this Act shall be held in the same rights upon the same trusts and subject (so far as is consistent with such provisions) to the same powers provisions charges and liabilities as those in upon or subject to which the ordinary or preference shares of the Wimborne Company for which such ordinary or preference stock of the Bournemouth Company and sums of cash are respectively substituted were held or were subject immediately before the date of transfer and shall be dealt with applied or disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of any such ordinary or preference shares of the Wimborne Company and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any ordinary or preference shares of the Wimborne Company are hereby expressly authorised and required to accept any ordinary or preference stock of the Bournemouth Company of which they are pursuant to the provisions of this Act registered as the holders and any sums of cash paid to them under the provisions of this Act and may retain dispose of or otherwise deal with such ordinary or preference stock and sums of cash as fully and freely in all respects as they might have retained disposed of or otherwise dealt with the ordinary or preference shares of the Wimborne Company for which the same are substituted and are hereby excused from any liability in respect of acts bona fide done by them in pursuance of the provisions of this Act.

Exchange of
certificates.

12. The Bournemouth Company shall call in and cancel the certificates for ordinary or preference shares of

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As to out-
standing
transfers
and
bequests.

13.—(1) All transfers or other dispositions of any ordinary or preference shares of the Wimborne Company made before the date of the passing of this Act but not registered before the date of transfer shall notwithstanding the provisions of this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective amounts of ordinary stock or preference stock of the Bournemouth Company and the sums of cash to be substituted under this Act for the ordinary or preference shares of the Wimborne Company thereby expressed to be transferred or disposed of although the instrument transferring or disposing thereof shall describe the same as shares of the Wimborne Company.

(2) Any bequest of or any covenant in or provision of any deed will or other instrument relating to any specific number or class of shares of the Wimborne Company shall be held to apply to the amount of ordinary stock or preference stock of the Bournemouth Company (as the case may be) and the sums of cash which are under the provisions of this Act substituted for such shares of the Wimborne Company.

Wimborne
Company's
books to be
evidence as
to holders
of shares.

14.—(1) The several persons who immediately before the date of transfer appeared on the registers of the Wimborne Company to be holders of ordinary or preference shares of the Wimborne Company or the respective executors or administrators of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is "As to outstanding transfers and bequests" be deemed to be the holders of shares of the Wimborne Company of the amount and class stated in those registers and the secretary of that company shall forthwith after the date of transfer or the date of the passing of this Act (whichever shall be the later) deliver to the Bournemouth Company at the principal office of that company the said registers and as on and from the date of transfer the registers of transfers of ordinary or preference shares of the Wimborne Company shall be permanently closed and no transfer of any ordinary or preference shares of the Wimborne Company made on or after the date of transfer shall as between the Bournemouth Company and the party claiming thereunder be of any effect.

(2) The issue by the Bournemouth Company pursuant to the provisions of this Act of certificates of

ordinary stock or preference stock (as the case may be) of the Bournemouth Company (together with the payment of the sums of cash payable pursuant to the foregoing provisions of this Act) to the persons whose names appear by the said registers to be registered holders of ordinary or preference shares of the Wimborne Company or the respective executors or administrators of such persons or the nominees of such persons or to the persons entitled thereto pursuant to the section of this Act of which the marginal note is "As to outstanding transfers and bequests" shall be a sufficient discharge to the Bournemouth Company for all purposes.

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15. Where the Bournemouth Company are for six months after the date of transfer unable after reasonable inquiry to ascertain the person entitled to be registered as the holder of and to receive a certificate for ordinary or preference stock (as the case may be) of the Bournemouth Company under the provisions of this Act or where any person entitled to any such certificate cannot give an effectual receipt the Bournemouth Company shall—

Transfer of stock of Bournemouth Company and payment of cash into court in certain cases.

- (i) transfer such ordinary or preference stock; and
- (ii) pay the sum of cash (if any) to which such holder is entitled under paragraph (2) of the section of this Act of which the marginal note is "Consideration for transfer of Wimborne undertaking;"

to the Accountant-General for and on behalf of the Supreme Court of Judicature in England under any Act in force for the relief of trustees Every such transfer and payment shall discharge the Bournemouth Company from all liability with respect to the ordinary or preference stock of the Bournemouth Company so transferred and the sum of cash so paid and for the purposes of this Act the certificate relating to such stock and the sum of cash so paid respectively shall be deemed to be delivered or paid to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Chancery Division of the High Court that he is entitled thereto may obtain transfer of the ordinary or preference stock of the Bournemouth Company and payment of the sum of cash accordingly.

16. All sales conveyances grants assurances deeds contracts bonds and agreements affecting the Wimborne Company and in force at the date of transfer (other than

Contracts to be binding.

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A.D. 1935. — any agreement entered into between the Bournemouth Company and the Wimborne Company before that date relating to the acquisition of the Wimborne undertaking by the Bournemouth Company) shall as from that date be read and construed and be as binding and of as full force and effect in every respect against or in favour of the Bournemouth Company and may be enforced against or by the Bournemouth Company as fully and effectually as if instead of the Wimborne Company the Bournemouth Company had been a party thereto or bound thereby or entitled to the benefit thereof and the Bournemouth Company shall as from the said date indemnify the Wimborne Company and their directors from and against all actions claims demands losses damages costs and expenses whatsoever in respect thereof.

Pending actions not to abate.

17. If at the date of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding shall be pending or existing by or against or in favour of the Wimborne Company the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Bournemouth Company of the Wimborne undertaking or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Bournemouth Company as and when it might have been continued prosecuted and enforced by against or in favour of the Wimborne Company if this Act had not been passed but not further or otherwise.

Books &c. to remain evidence.

18. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Wimborne Company shall be admitted in evidence in respect of the same or the like matter for or against the Bournemouth Company.

Collection of outstanding debts.

19. All rents rates and charges and other sums and debts at the date of transfer due and payable or accruing due and payable to the Wimborne Company shall (unless previously paid to the Wimborne Company) be payable to and may be collected recovered and enforced by the Bournemouth Company after that date in the same manner and with and by the same benefits and processes as those with and by which the Wimborne Company might have collected recovered and enforced the same and shall

belong to the Bournemouth Company for their own benefit. A.D. 1935.

20. All officers and persons who at the date of transfer have or had in their possession or under their control any books documents papers moneys or effects forming part of the Wimborne undertaking (other than the duplicates of any agreement between the Wimborne Company and the Bournemouth Company for or relating to the sale of the Wimborne undertaking) or to which the Wimborne Company would but for the transfer have been entitled shall be liable to account for and deliver up the same to the Bournemouth Company or to such persons as the Bournemouth Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers moneys and effects for the Bournemouth Company.

Officers of Wimborne Company to be accountable for books &c.

21.—(1) As from the date of transfer the Wimborne Minster Gas Order 1897 confirmed by the Gas Orders Confirmation (No. 2) Act 1897 and the Wimborne Minster Gas (Charges) Order 1922 shall be or be deemed to have been and are hereby repealed except the provisions (hereinafter in this section referred to as “the excepted provisions”) of the first-mentioned Order which are set out in the Second Schedule to this Act and except so far as it may be necessary for the said Orders or either of them or any of the provisions thereof respectively to remain unrepealed for the purpose of the section of this Act of which the marginal note is “Wimborne Company to continue incorporated for specified purpose.”

Partial repeal of enactments relating to Wimborne Company.

(2) The excepted provisions shall continue in force within the limits and to the extent to which they particularly related at the date of the confirmation of the said Order of 1897 and the Bournemouth Company within such limits may exercise the powers conferred and shall be subject to the obligations imposed by the excepted provisions in all respects as if the Bournemouth Company had been therein referred to instead of the Wimborne Company :

Provided that notwithstanding anything in the excepted provisions with respect to the limits within which the Wimborne Company may supply gas manufactured by them the Bournemouth Company shall be entitled to

A.D. 1935. — supply in any part of the limits of supply any gas manufactured by them under or by virtue of the powers conferred by the said provisions :

Provided also that if there shall be any inconsistency between any of the excepted provisions and any enactment applying to the Bournemouth Company or their undertaking otherwise than by virtue of this section such last-mentioned enactment shall prevail.

As to dividends on shares of Wimborne Company.

22. The Bournemouth Company shall on the date of transfer or as soon thereafter as may be reasonably practicable pay to the persons who immediately before that date held ordinary or preference shares of the Wimborne Company dividends (less income tax) in respect of the period between the last period for which a dividend has been paid by the Wimborne Company before the date of transfer and such last-mentioned date at the respective rates at which (regard being had to the divisible profits and reserve fund of the Wimborne Company) such dividends could have been paid if this Act had not been passed :

Provided that the rates of dividends so to be paid shall not exceed—

- (a) in the case of original ordinary shares of the Wimborne Company the rate of fourteen pounds and ten shillings per centum per annum ;
- (b) in the case of additional ordinary shares of the Wimborne Company the rate of ten pounds and three shillings per centum per annum ; and
- (c) in the case of preference shares (whether original or additional) of the Wimborne Company the rate of six pounds per centum per annum.

Wimborne Company to carry on undertaking until date of transfer.

23. During such period (if any) as shall elapse between the date of the passing of this Act and the date of transfer the Wimborne Company may and shall to the best of their ability and with due diligence maintain and carry on their undertaking on behalf and for the account of the Bournemouth Company and for that purpose may exercise all or any of the rights powers privileges and liberties and shall discharge all the duties obligations and liabilities under the Orders relating to that undertaking to the same extent as if this Act had not been passed but so that the Wimborne Company and the Bournemouth Company shall respectively comply with the obligations

in relation to the carrying on of the said undertaking contained in any agreement between the Wimborne Company and the Bournemouth Company for or relating to the transfer of the Wimborne undertaking.

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24.—(1) The directors of the Wimborne Company holding office at the date of transfer shall retire from office as from that date or from the date of the passing of this Act whichever shall be the later (except that the said directors shall continue to act as directors of the Wimborne Company without remuneration so long as that company shall continue incorporated pursuant to the section of this Act of which the marginal note is “Wimborne Company to continue incorporated for specified purpose”) and the Bournemouth Company shall as soon as reasonably practicable after the date of transfer pay to each of the said directors who also held office on the fifteenth day of March one thousand nine hundred and thirty-five as compensation for loss of office a sum of money equal to seven times the amount of the fees received by such director as a director of the Wimborne Company during the last financial year preceding the date of transfer.

Compensation to directors and auditors of Wimborne Company.

(2) The auditors of the Wimborne Company holding office at the date of transfer shall retire from office as from that date or from the date of the passing of this Act whichever shall be the later and as compensation for loss of office shall be paid by the Bournemouth Company a sum equal to three times the amount of the fees received by such auditors as auditors of the Wimborne Company during the last financial year preceding the date of transfer.

25. The Bournemouth Company shall take over and employ as on and from the date of transfer or the date of the passing of this Act whichever shall be the later and retain subject to good conduct on terms not less favourable than their existing contracts such of the officers (other than directors) and servants in the employ of the Wimborne Company at their office and works at Wimborne at the date of transfer as shall be willing to enter the service of the Bournemouth Company and the Bournemouth Company shall not dismiss or discharge any such officer or servant capable of discharging his duties except for breach of duty or misconduct.

As to officers and servants of Wimborne Company.

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Notice of dissolution of Wimborne Company to be delivered to Registrar of Companies.

26. As soon as practicable after the final dissolution of the Wimborne Company under the provisions of this Act the Bournemouth Company shall deliver to the Registrar of Companies a notice of such dissolution stating the date on which the same takes effect and shall pay to the registrar the prescribed fee of five shillings for registration of such notice.

Extension of limits of supply.

27.—(1) As on and from the date of transfer the limits of supply shall extend to and include in addition to the existing limits of supply the added limits.

(2) Subject to the provisions of this Act the Bournemouth Company on and after the date of transfer within the added limits shall have and may exercise all and the like powers rights privileges and authorities for and in relation to the supply of gas and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits.

(3) Subject to the provisions of this Act the Bournemouth Company may continue maintain and use any mains pipes and other works of the Wimborne Company transferred to and vested in them by virtue of this Act and the provisions of the Bournemouth Gas Acts and Orders 1873 to 1935 so far as those provisions relate to the supply of gas shall apply to such mains pipes and works in all respects as though the same had been laid down or constructed under the authority of those Acts and Orders.

Price of gas in added limits.

28.—(1) The Bournemouth Company may charge for gas supplied by them to the owners or occupiers of premises within the area described in Part I of the First Schedule to this Act or any part of that area who consume such gas by meter—

(a) until the respective dates (hereinafter referred to as “the said respective dates”) of the reading of the indices for the quarter ending on the quarter day next following the date of transfer of the meters measuring the gas supplied to such owners or occupiers a price per therm exceeding the price per therm for the time being charged by the Bournemouth Company to consumers by ordinary meter within the county borough of Bournemouth (which last-mentioned

price is hereinafter referred to as "the Bournemouth price") by not more than the amount by which the price per therm charged by the Wimborne Company immediately before the date of transfer to consumers by ordinary meter of gas supplied by that company exceeds the Bournemouth price; and

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(b) on and after the said respective dates a price exceeding the Bournemouth price by not more than decimal four pence per therm.

(2) The Bournemouth Company may charge for gas supplied by them to the owners or occupiers of premises within the area described in Part III of the First Schedule to this Act or any part or parts of that area a price exceeding the Bournemouth price by not more than four decimal three pence per therm.

29. The Company may apply for all or any of the purposes of this Act the capital funds and revenues of the Company. Application] of funds.

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

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIPTION OF ADDED AREAS.

PART I.

The urban district of Wimborne Minster.

So much of the parish of Colehill in the rural district of Wimborne and Cranborne in the county of Dorset as is not comprised within the existing limits of supply and so much of the parish of Pamphill in the said rural district as is comprised within an imaginary line commencing at a point on the boundary between the parishes of Colehill and Pamphill at the junction with the river Allen of the stream forming the southern boundary of the enclosure numbered 179 on the 1/2500 Ordnance map (edition of 1928) Dorset sheet XXXIV.4 and drawn thence in a north-westerly direction along the centre of the last-mentioned stream to a point opposite the northernmost corner of the enclosure numbered 180 on the said Ordnance map thence in a south-westerly direction to and along the north-western boundary of the said enclosure numbered 180 to the westernmost corner of such last-mentioned enclosure thence in a westerly direction to and along the northern side of the road forming the enclosure numbered 174 on the said Ordnance map to its junction with the road leading to Hound Hill thence in a south-westerly direction along the north-western boundary of such last-mentioned road to its junction with Chilbridge Lane thence to and in a south-easterly direction along the south-western side of the footpath leading from Chilbridge Lane to Hillbutts to the easternmost corner of the enclosure numbered 190 on the said Ordnance map thence in a south-westerly direction along the north-western side of the road which crosses the main road from Wimborne Minster to Blandford at the cottages near Manor Yard to its junction with Abbott Street thence in a westerly direction along the northern side of Abbott Street to its junction with a lane known as Sandy Lane thence in a southerly direction along the western side of Sandy Lane to and across the road leading to Sturminster Marshall and thence in a southerly direction along the western side of the drive leading towards the river Stour to the southern extremity of that drive thence in a southerly direction along the western boundary of the

enclosure numbered 480 on the 1/2500 Ordnance map (edition of 1928) Dorset sheet XXXIV.7 to the centre of the river Stour at the ford on the south-western side of Chaw Meadow thence in an easterly direction along the centre of the said river Stour to the boundary between the urban district of Wimborne Minster and the said parish of Pamphill thence in a north-westerly north-easterly and north-westerly direction along the southern and eastern boundaries of the parish of Pamphill to the point of commencement hereinbefore mentioned.

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PART II.

So much of the parish of Hampreston in the said rural district of Wimborne and Cranborne as is not comprised within the existing limits of supply.

PART III.

So much of the parish of Boldre in the rural district of New Forest in the county of Southampton as is not comprised within the existing limits of supply.

SECOND SCHEDULE.

PROVISIONS OF THE WIMBORNE MINSTER GAS ORDER 1897
EXCEPTED FROM REPEAL.

20. 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 the schedule to this Order any lands which they may require Provided 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 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.

21. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the schedule to this Order while they are possessed of the same may

Undertakers may construct and maintain gas

[Ch. lxxxiii.] *Bournemouth Gas and Water Act, 1935.* [25 & 26 GEO. 5.]

A.D. 1935.
—
works on
lands de-
scribed in
schedule and
may make
and sell gas
&c.

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 retort houses gasholders receivers purifiers meters apparatus and works for the manufacture and storage 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 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 asphaltum and ammoniacal liquor oil 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 subject to the provisions of this Order 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 appli-
ances and
apparatus
&c.

22. 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 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.

23. 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 products obtainable in or arising from such manufacture or from the materials used therein.

Differences
with road
authorities
or railway
or other
companies.

25. 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.

THE SCHEDULE.

A.D. 1935.

GAS LANDS.

A piece of land situate in the parish of Wimborne Minster in the county of Dorset containing 1 acre 1 rood 20 perches or thereabouts bounded on the north by a field belonging or reputed to belong to Major Phelips Brook Hanham and in the occupation of William Munckton on the east by the London and South Western Railway on the south and west by a lane called Greenclose Lane.

Printed by EYRE AND SPOTTISWOODE LIMITED

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SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament

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