



CHAPTER lxxxii.

An Act to consolidate with amendments the provisions of the Bognor Gas and Electricity Acts and Orders 1908 to 1927 relating to the capital and borrowing powers of the Bognor Gas and Electricity Company to authorise the Company to raise additional money to confer further powers upon the Company and for other purposes. A.D. 1935.
[2nd August 1935.]

WHEREAS the Bognor Gas and Electricity Company (in this Act called "the Company") were incorporated under the name of the Bognor Gaslight and Coke Company by the Bognor Gaslight and Coke Company Act 1908 (in this Act referred to as "the Act of 1908") and are by the Bognor Gas and Electricity Acts and Orders 1908 to 1927 empowered to supply gas and electricity within certain limits mentioned in the said Acts and Orders :

And whereas a statement showing the capital of the Company and the amounts authorised to be raised raised and remaining to be raised by them on mortgage or by the creation and issue of debenture stock is set forth in the schedule to this Act :

And whereas it is expedient to consolidate the provisions of the Bognor Gas and Electricity Acts and Orders 1908 to 1927 relating to the capital and borrowing powers of the Company and to make such amendments thereto as are contained in this Act :

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And whereas it is expedient that the Company should be authorised to raise additional capital and to borrow further moneys for the purpose of their undertaking and that such other financial provisions should be made as are in this Act contained:

And whereas it is expedient that such further powers should be conferred on the Company and that such other provisions should be made as are in this Act contained:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

PART I.

PRELIMINARY.

Short and collective titles.

1.—(1) This Act may be cited as the Bognor Gas and Electricity Act 1935.

(2) The Bognor Gas and Electricity Acts and Orders 1908 to 1927 and this Act may be cited together as the Bognor Gas and Electricity Acts and Orders 1908 to 1935.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Capital borrowing powers and other financial provisions &c.

Part III.—Administrative provisions.

Part IV.—Lands &c.

Part V.—Gas.

Part VI.—Electricity.

Part VII.—Gas and electricity.

Part VIII.—Miscellaneous provisions.

Application of Electricity (Supply) Acts &c.

3. This Act shall be deemed to be a special Act within the meaning of the Electricity (Supply) Acts 1882 to 1933 and the Electric Lighting (Clauses) Act 1899 so far as the provisions of those Acts are applicable to or incorporated with this Act.

4. The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of the Bognor Gas and Electricity Acts and Orders 1908 to 1935 are hereby incorporated with this Act (namely) :—

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Incorporation of
Acts.

- (1) The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and 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) :
- (2) The Companies Clauses Consolidation Act 1845 (except the provisions thereof with respect to the conversion of the borrowed money into capital) :
- (3) Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) (except the provisions thereof which limit the rate of dividend on preference capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

Provided that in the application to the Company of the said Part III of the Companies Clauses Act 1863 section 22 of that Act shall be read as if the words "and to the same amount as" were omitted therefrom :

- (4) The Gasworks Clauses Act 1847 :
- (5) The Gasworks Clauses Act 1871 :
- (6) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 (except sections 5 23 83 and 84 of that schedule) as amended by any subsequent Act :

Provided that for the purposes of such incorporation the Company shall be deemed to be the undertakers.

5. In this Act the several words and expressions to which meanings are assigned by the enactments incorporated herewith have the same respective meanings

Interpre-
tation:

A.D. 1935. — unless there be something in the subject or context repugnant to such construction.

And in this Act—

“The Company” means the Bognor Gas and Electricity Company;

“The Act of 1908” means the Bognor Gaslight and Coke Company Act 1908;

“The Act of 1912” means the Bognor Gas Light and Coke Company (Electricity) Act 1912;

“The Order of 1922” means the Bognor Gas (Charges) Order 1922;

“The Act of 1927” means the Bognor Gas and Electricity Act 1927;

“The directors” means the directors of the Company;

“The gas undertaking” means the gas undertaking of the Company for the time being authorised;

“The electricity undertaking” means the electricity undertaking of the Company for the time being authorised;

“The undertaking” means the gas undertaking and the electricity undertaking;

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

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

“Employee” means any workman servant or officer (other than a director) of the Company;

“Share capital” includes stock not being debenture stock.

PART II.

CAPITAL BORROWING POWERS AND OTHER FINANCIAL PROVISIONS &C.

6. In this Part of this Act—

“existing” means existing at the passing of this Act.

Interpretation for purposes of Part II of Act.

7.—(1) The capital of the Company shall be three hundred and sixty-three thousand and seventy pounds consisting of— A.D. 1935.
Capital.

(a) Seventy-nine thousand two hundred and ten pounds the nominal amount of the existing consolidated ordinary stock "A" of the Company;

(b) Twenty-one thousand seven hundred pounds the nominal amount of the existing consolidated ordinary stock "B" of the Company;

(c) Eighty-seven thousand one hundred and sixty pounds the nominal amount of the existing new consolidated stock of the Company;

(d) One hundred and seventy-five thousand pounds the additional capital authorised by this Act.

(2) The new consolidated stock of the Company shall form part of the ordinary share capital of the Company.

8. Notwithstanding the repeals effected by this Act the said existing ordinary share capital of the Company shall continue to be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances (except so far as the same may be altered or varied by this Act) as affected the same immediately before the passing of this Act and every deed or other instrument relating to and every testamentary or other disposition of or affecting that capital made before the passing of this Act shall take effect as if this Act had not been passed. As to
existing
ordinary
share
capital.

9.—(1) The Company may from time to time raise additional capital (in this Part of this Act referred to as "the additional capital") not exceeding in the whole one hundred and seventy-five thousand pounds by the creation and issue of further amounts of consolidated ordinary stock "A" or new consolidated stock or by the creation and issue of preference shares or stock or wholly or partly by one or more of those modes respectively. Additional
capital.

(2) It shall not be lawful for the Company to create and issue under the powers of this section any greater nominal amount of capital than shall be sufficient to produce including any premiums and allowing for any

[Ch. lxxxi.] *Bognor Gas and* [25 & 26 GEO. 5.]
Electricity Act, 1935.

A.D. 1935. — discounts which may be obtained or allowed on the issue thereof the sum of one hundred and seventy-five thousand pounds.

Additional capital to be part of general capital.

10. The additional capital created by the Company shall form part of the general capital of the Company and save as is otherwise expressly provided by this Act the holders thereof respectively in proportion to the amount of their shares or stock shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as holders of other shares or stock of the Company of the same class or description.

Provisions as to preference share capital.

11. The Company may if they think fit raise by the creation and issue of preference shares or stock ranking pari passu with any preference shares or stock created pursuant to the provisions of this Act all or any capital which they may from time to time by any subsequent Act or Order be authorised to raise by the creation and issue of preference shares or stock.

Sale of share capital by auction or tender.

12.—(1) Save as otherwise expressly provided by this Act and subject to the provisions of the Gas Undertakings Act 1934 as extended and applied by this Act all share capital issued by the Company after the passing of this Act shall be issued in accordance with the provisions of this section.

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

(a) Notice of the intended sale shall be given in writing to the clerk of the council of every urban or rural district wholly or partly included within the gas limits and the electricity limits and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspaper or newspapers circulating within the gas limits and the electricity limits;

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

(c) In the case of a sale by auction no lot offered for sale shall comprise share capital of greater nominal value than one hundred pounds and a bid (other than the first bid) shall not be recognised unless it is in advance of the last preceding bid;

(d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer of any holder of share capital of the Company may be accepted in preference to the offer of the same sum by any person not such a holder and preference may in like manner be given to the offer of any employee or of any consumer of gas or electricity supplied by the Company;

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

(3) Any share capital which has been so offered for sale and is not sold may be offered at the reserve price to the holders of share capital of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to employees and to consumers of gas or electricity supplied by the Company in such proportions as the directors may think fit or to one or more of those classes of persons only :

Provided that in the case of an offer to holders of share capital if the aggregate amount of any class of share capital applied for shall exceed the amount thereof so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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(4) Any share capital which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and is not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of each class of share capital sold the total amount (if any) obtained as premium and the highest and lowest price obtained for each class of share capital.

Special
provision
for benefit
of small
investors.

13. Notwithstanding anything in any Act or Order relating to the Company the directors may with the approval of a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each future issue of share capital of the Company for exclusive offer in the first instance to consumers of gas or electricity supplied by the Company and to employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe :

Provided that every allotment of share capital under this section shall be at a price not less than the reserve price at which the like class of share capital of the same issue shall be offered under the provisions of the section of this Act of which the marginal note is "Sale of share capital by auction or tender."

Sale of
share
capital to
employees
and
consumers
at a fixed
price.

14. When any share capital is to be issued by the Company and whether any of the shares or stock of the Company are at a premium or not the Company before or in lieu of offering the share capital for sale by public auction or tender may with the previous approval of the Board of Trade and subject to such conditions as the Board may think fit to impose offer such share capital to employees and to consumers of gas or electricity supplied by the Company at not less than the average price (after due allowance made for any enhancement in price by reason of any accrued dividend) at which according to the books of the Company sales of share capital of the same class were effected within the period

of six months immediately preceding the date of application by the Company for such approval as aforesaid. A.D. 1935. —

15.—(1) The Company may without further or other authority borrow on mortgage of the undertaking in respect of their share capital issued before the passing of this Act any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) one hundred and two thousand three hundred and forty-seven pounds. Power to borrow.

(2) The Company may also subject to the provisions of this Act borrow on mortgage of the undertaking in respect of any share capital issued by them after the passing of this Act any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such share capital. But no sum shall be borrowed in respect of any such share capital (other than share capital allotted under the provisions of the section of this Act of which the marginal note is "Special provision for benefit of small investors") until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such share capital together with the premiums (if any) realised on the sale thereof has been fully paid up.

16. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 as amended in its application to the Company but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this Act or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Act or Order or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

[Ch. lxxxi.] *Bognor Gas and Electricity Act, 1935.* [25 & 26 GEO. 5.]

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Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Priority of mortgages and debenture stock over other debts.

17. All money raised or to be raised by the Company on mortgage or by the creation and issue of debenture stock under the provisions of the Bognor Gas and Electricity Acts and Orders 1908 to 1927 or this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Appointment of receiver.

18. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of certain provisions of Gas Undertakings Act 1934.

19. The following provisions of the Gas Undertakings Act 1934 shall extend and apply to any share capital or debenture stock of the Company created or to be issued or to be offered for subscription for the purposes of the electricity undertaking or of the gas undertaking and the electricity undertaking in like manner as they extend and apply to any share capital or debenture stock of the Company created or to be issued or to be offered for subscription for the purposes of the gas undertaking (that is to say):—

Subsections (1) (2) and (3) of section 1 (Issue of share capital by undertakers);

Section 3 (Power for certain undertakers to pay underwriting commission);

Section 4 (Power for certain undertakers to issue redeemable preference and debenture stock).

20.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans by means of overdrafts from bankers or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

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Company may incur temporary loans.

(2) The powers of raising moneys conferred by this section shall be in addition to any powers for the time being of the Company to borrow on mortgage of the undertaking or to raise moneys by the issue of debenture stock.

(3) The aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed fifty thousand pounds.

21.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the Company at a price not exceeding the market value thereof and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

Purchase and cancellation of Company's securities.

(2) Any debentures or debenture stock purchased under the provisions of this section shall be cancelled and extinguished and the amount of any debentures or debenture stock so cancelled and extinguished shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to reborrowing by the Company shall apply accordingly.

22. The Company shall not issue any share of less nominal value than one pound.

Nominal value of shares.

23.—(1) All ordinary and preference stock and debenture stock of the Company shall be issued and be held in amounts of one pound or a multiple of one pound and not otherwise and the Company shall not be under any obligation to register a transfer of any ordinary or preference stock or debenture stock which would make the holding (if any) of the transferor or transferee an amount other than one pound or a multiple of one pound of ordinary or preference stock or debenture stock.

Minimum holdings of stock and debenture stock.

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(2) Notice of this enactment as far as applicable shall be stated in all certificates of ordinary and preference stock and debenture stock of the Company (as the case may be) issued after the passing of this Act.

Application of money.

24.—(1) All money raised under the Bognor Gas and Electricity Acts and Orders 1908 to 1935 including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of share capital under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised under the Bognor Gas and Electricity Acts and Orders 1908 to 1927.

Limit of dividend on consolidated ordinary stocks.

25. Except as expressly provided by the section of this Act of which the marginal note is "Dividend on consolidated ordinary stocks dependent on price of gas" the Company shall not in any year declare or make out of their profits any larger dividend on their consolidated ordinary stock "A" or consolidated ordinary stock "B" than at the rate of five pounds in respect of every one hundred pounds of such stocks respectively which rate shall be the standard rate of dividend.

Limit of dividend on new consolidated stock.

26. The Company shall not in any year declare or make out of their profits any larger dividend on their new consolidated stock than at the rate of seven pounds in respect of every one hundred pounds of such stock which rate is in relation to the said stock referred to in this Act as "the maximum rate."

Limit of dividend on preference share capital.

27. The Company shall not in any year declare or make out of their profits any larger dividend on any preference share capital issued under the powers of this Act than at the rate of six pounds in respect of every one hundred pounds of such capital.

Dividend on consolidated ordinary stocks dependent on price of gas.

28.—(1) The Company may increase or reduce the price charged by them in respect of gas supplied to consumers by meter above or below the standard price :

Provided that in any such case the dividend payable by the Company on their consolidated ordinary stock "A" and consolidated ordinary stock "B" in respect

of any year or half-year shall be at rates per centum per annum not exceeding the average of quarterly rates calculated as follows for each of the quarters (ending respectively on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December) in that year or half-year (that is to say) :—

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(a) The quarterly rates for any quarter during any part of which the price charged by the Company in respect of gas shall have been above the standard price shall be rates less than the standard rate of dividend by two shillings and sixpence on every one hundred pounds of consolidated ordinary stock "A" and by three shillings and sixpence on every one hundred pounds of consolidated ordinary stock "B" in respect of each one-fifth of a penny or part thereof per therm by which the highest price charged by the Company in that quarter exceeds the standard price;

(b) The quarterly rates for any quarter during the whole of which the price charged by the Company in respect of gas shall have been below the standard price shall be rates exceeding the standard rate of dividend by two shillings and sixpence on every one hundred pounds of consolidated ordinary stock "A" and by three shillings and sixpence on every one hundred pounds of consolidated ordinary stock "B" in respect of each one-fifth of a penny per therm by which the highest price charged by the Company in that quarter is less than the standard price.

(2) Any price charged under the provisions of section 9 (Price of gas in added areas) of the Act of 1927 in excess of the Bognor price (as defined in the said section) shall not be taken into account in calculating the rates of dividend payable under subsection (1) of this section.

29. The new consolidated stock of the Company shall rank for dividend *pari passu* with the consolidated ordinary stock "A" of the Company up to and until the maximum rate of dividend has been reached. The

As to dividend on new consolidated stock.

A.D. 1935. — rate of dividend payable on the new consolidated stock under this section is in relation to the said stock referred to in this Act as “the prescribed rate.”

Application of profits in excess of authorised and prescribed dividends.

30. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the preference share capital of the Company and the dividend at the authorised rates on the consolidated ordinary stock “A” and consolidated ordinary stock “B” of the Company and at the prescribed rate on the new consolidated stock of the Company for that year the excess shall be left at the credit of the profit and loss (net revenue) account of the undertaking and be carried forward to the next following year :

Provided that it shall not be lawful for the Company to carry forward at the end of any year to the credit of the said account any sum exceeding the total of the following amounts (that is to say) :—

- (a) The amount required by the Company for paying any dividend or interest which the Company are entitled or required to pay but have not paid in respect of that year;
- (b) An amount equal to the total sum which the Company will be lawfully entitled to distribute as dividends on their share capital in respect of the next following year having regard in the case of the consolidated ordinary stock “A” and consolidated ordinary stock “B” of the Company to the price charged by them for gas at the commencement of that year; and
- (c) An amount equal to the total sum which the Company will be required to pay during the next following year as interest in respect of that year on any mortgages or debenture stock.

Power to create a reserve fund.

31. Where in any year or half-year the dividends payable on the consolidated ordinary stock “A” and consolidated ordinary stock “B” of the Company shall exceed the standard rate of dividend by reason of the price charged by the Company in respect of gas in such year or half-year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend

and to the payment of dividend on the new consolidated stock of the Company the Company may in such year or half-year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in any investments in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the Company and the dividends and interest arising from such investments may also be invested in the same or the like investments 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 or half-year in which the clear profits of the Company shall be insufficient to enable the Company in such year or half-year to pay the dividends at the authorised rates on the consolidated ordinary stock "A" and consolidated ordinary stock "B" of the Company and at the prescribed rate on the new consolidated stock of the Company Save as in this Act provided no sums shall in any year or half-year be carried by the Company to any reserve fund.

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

Power to create special purposes fund.

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

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

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

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(4) The moneys forming the special purposes fund or any portion thereof may pending application to the purposes referred to in subsection (2) of this section be invested in investments in which trustees are authorised by law to invest or be temporarily employed for the general purposes of the Company to which capital is properly applicable or partly in the one way and partly in the other.

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

(6) Any moneys standing to the credit of the existing gas special purposes fund or electricity special purposes fund of the Company shall forthwith be carried by the Company to the credit of the special purposes fund authorised by this section.

(7) For the purposes of this section the expression "paid-up capital of the Company" shall mean the aggregate of the amount of the capital of the Company paid up or credited as paid up of any premiums paid in respect thereof and of any moneys borrowed by the Company on mortgage or raised by the creation and issue of debenture stock and for the time being outstanding.

Gas
renewal
fund.

33.—(1) The directors may if they think fit in any year appropriate out of the revenue of the Company arising from the gas undertaking as part of the expenditure on revenue account of such undertaking any sum not exceeding an amount equal to one per centum of the capital for the time being expended on the gas undertaking to a fund to be called "the gas renewal fund."

(2) The gas renewal fund shall be applicable only to meet expenses requisite for the maintenance and renewal of gas plant and works (other than expenses incurred in the replacement or removal of plant or works) and shall be so applied from time to time for the purpose of equalising as far as may be the annual charge to revenue in respect of such expenses.

(3) The maximum amount standing to the credit of the gas renewal fund shall not at any time exceed an amount equal to one-twentieth part of the capital for the time being expended on the gas undertaking.

(4) Any moneys standing to the credit of the existing gas renewal fund of the Company shall forthwith be carried by the Company to the gas renewal fund authorised by this section. A.D. 1935.

(5) Any moneys standing to the credit of the existing electricity renewal fund of the Company shall forthwith be carried by the Company to the credit of the existing electricity depreciation fund account of the Company.

PART III.

ADMINISTRATIVE PROVISIONS.

34. The quorum for a general meeting of the Company (whether ordinary or extraordinary) shall be shareholders holding in the aggregate not less than one thousand pounds in nominal value of the share capital of the Company to which voting rights are attached and being present in person in number not less than five. Quorum for general meetings.

35.—(1) At all general meetings of the Company (whether ordinary or extraordinary) every holder of consolidated ordinary stock "A" consolidated ordinary stock "B" and new consolidated stock shall on a show of hands be entitled to one vote and on a poll to one vote and an additional vote for each complete ten pounds in the nominal value of such share capital held by him beyond ten pounds. Voting rights.

(2) Where a corporation being a holder of share capital to which voting rights are attached is present by a proxy who is not a shareholder in the Company such proxy shall be entitled to vote for such corporation on a show of hands.

(3) No person shall be entitled to vote in respect of any share capital to which a preferential dividend shall be assigned.

36. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution. Proof of majority of votes only required when poll demanded.

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Company
not bound
to regard
trusts.

37. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any share capital or debenture stock of the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any share capital or debenture stock of the Company as if such share capital or debenture stock were shares to which that section applies.

Receipt of
minors.

38. If any money is payable to a mortgagee or debenture stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Company.

Substitution
of card
index for
share-
holders'
address
book.

39. Notwithstanding anything in section 10 of the Companies Clauses Consolidation Act 1845 the Company may substitute for the shareholders' address book provided under that section a card or other index (of a type to be approved by the auditors of the Company) containing the names and addresses of the several shareholders of the Company and that section in its application to the Company shall be read and have effect accordingly.

Indemnity
before
issue of
substituted
certificates
&c.

40. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any shares or stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage share stock debenture stock dividend or interest represented thereby.

Qualifica-
tion of
director.

41. The qualification of a director shall be the possession in his own right of ordinary share capital of a nominal amount of not less than one hundred pounds.

42. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract :

A.D. 1935.
—
Directors holding office under or contracting with Company.

Provided that—

- (a) in the case of his being or becoming interested in any contract with the Company whether such interest arises before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment; and
- (b) no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

43. If any director shall be made bankrupt or shall go to reside abroad for a longer period than twelve months or shall become of unsound mind or shall neglect to attend the meetings of directors for twelve months (unless such neglect be occasioned by illness or other reasonable cause allowed by the directors) the office of such director shall become vacant and thenceforth he shall cease from voting or acting as a director.

Vacation of office of director.

44.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at a general meeting of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Company fourteen days at least before the day of election and the secretary shall during such fourteen

Notice of candidature of or of opposition to re-election of director.

[Ch. lxxxi.] *Bognor Gas and Electricity Act, 1935.* [25 & 26 GEO. 5.]

A.D. 1935. — days and on the day of election keep fixed in some conspicuous place in such office a copy of every such notice so delivered.

(2) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(3) No person shall be eligible to be elected a director at any general meeting of the Company unless he shall have been the holder of the qualifying amount of share capital for at least two months prior to his election.

Auditors.

45.—(1) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting as auditor of the Company unless notice be given to the secretary or left at the principal office of the Company seven days at least before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such seven days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(2) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

Half-yearly dividends and annual accounts.

46.—(1) If and so long as the ordinary meetings of the Company shall be held once only in each year (any such meeting being in this section referred to as the “annual general meeting”)—

(a) the directors may on or after the thirtieth day of June in any year without the sanction or direction of a general meeting declare and pay out of the funds of the Company applicable to dividend a dividend in respect of the half-year ended on the said thirtieth day of June on any class of share capital of the Company at such rate per centum per annum as the directors may think fit but no such rate shall—

(i) as respects any consolidated ordinary stock “A” or consolidated ordinary stock “B” be greater than the rate of dividend in respect of that half-year payable in accordance with the provisions of the section of this Act

of which the marginal note is "Dividend on consolidated ordinary stocks dependent on price of gas"; or

A.D. 1935.
—

(ii) as respects any new consolidated stock be greater than the prescribed rate; or

(iii) as respects any preference shares or stock be greater than the preferential annual rate of dividend assigned to such shares or stock;

(b) section 116 of the Companies Clauses Consolidation Act 1845 shall in its relation to the Company be read and have effect as if the words "preceding year" were substituted therein for the words "preceding half-year."

(2) When in respect of any such half-year as aforesaid the directors exercise the powers conferred by paragraph (a) of subsection (1) of this section the only dividend (if any) to be declared at the next following annual general meeting on any class of share capital of the Company in relation to which such powers were exercised shall be a dividend in respect of the half-year ending next before the date of such annual general meeting at such rate per centum per annum as the Company may approve not exceeding the rate of dividend requisite to enable the Company to pay in the case of any consolidated ordinary stock "A" consolidated ordinary stock "B" or new consolidated stock the balance of the dividend which can lawfully be paid in respect of such stock and in the case of any preference shares or stock the balance of the dividend payable in respect of the year in which such half-year occurs at the preferential annual rate assigned thereto and section 120 of the Companies Clauses Consolidation Act 1845 shall in its application to the Company be read and have effect accordingly.

PART IV.

LANDS &C.

47. Subject as hereinafter provided the Company may purchase and take (by agreement but not otherwise) and may hold in addition to the lands described in the schedule to the Act of 1908 and in the First Schedule to the Act of 1912 any lands which they may require for

Purchase of
lands by
agreement.

A.D. 1935. — the purposes of the gas undertaking or the electricity undertaking but the Company shall not create or permit a nuisance on any such lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Act of 1908 Provided that the total quantity of the lands which the Company may hold under the provisions of this section for the purposes of the undertaking in addition to the lands described in the schedule to the Act of 1908 and in the First Schedule to the Act of 1912 shall not at any one time exceed fifteen acres in the aggregate.

Recreation ground for employees.

48. The Company may provide maintain and equip grounds for games sports or recreation for the use and benefit of the employees and may by agreement acquire or take on lease and hold for that purpose any lands in addition to the lands which they are or may be authorised to acquire and hold for the purposes of the undertaking Provided that the total quantity of the lands which the Company may hold for the purposes of this section shall not at any one time exceed ten acres in the aggregate.

Power to sell and lease lands.

49. Notwithstanding anything to the contrary in the Lands Clauses Acts or any Act or Order relating to the Company the Company may sell and dispose of or may let on lease for such periods as they think fit any lands for the time being belonging to the Company which have been acquired by agreement and which may not at the time be required for the purposes of the undertaking and any such sale or disposal or lease may be to such person for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company may think fit.

PART V.

GAS.

For prevention of improper use of gas.

50. If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any consumer the Company may if they think fit cease to supply gas to such person.

51.—(1) The Company's inspectors or servants shall at all reasonable times have access to and be at liberty to inspect take off remove test repair and replace meters for the supply of gas which are the property of the Company and meanwhile to fix a substituted meter on the premises such inspection taking off removal testing repairing and replacing to be done at the expense of the Company.

A.D. 1935.
—
Inspection
and testing
of gas
meters.

(2) The expense of changing and testing such a meter which at the request of the consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the degree permissible under the said regulations shall be borne by the Company but if the meter shall have been found not so to register erroneously shall be borne by the consumer.

PART VI.
ELECTRICITY.

52. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Company shall not include any supply of electricity taken on extraordinary occasions unless such consumer shall pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Company in order to meet the possible maximum demand for the premises of such consumer and any question as to whether the provisions of this section apply and if so the sum so to be paid shall in default of agreement be determined by arbitration in manner provided by section 28 of the Electric Lighting Act 1882.

As to
maximum
power which
may be
demanded.

53. If any question shall arise under section 23 (Stand-by supplies of electricity) of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of

For deter-
mining
stand-by
supplies.

A.D. 1935. electricity is required the same shall in default of agreement be determined by arbitration in manner provided by section 28 of the Electric Lighting Act 1882.

Supply to premises partly without electricity limits.

54. The Company may supply electricity to any house building or other premises which or the curtilage of which is partly within and partly without the electricity limits in the same manner as if those premises were wholly within such limits.

Agreements for supply of electricity.

55. Notwithstanding anything in any Act or Order relating to the Company or the electricity undertaking the Company on the one hand and any authority company body or person to whom the Company are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect vary and rescind contracts or agreements for or with respect to the supply of electricity by the Company to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly :

Provided that the Company shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Agreements for execution of works &c.

56. The Company on the one hand and any authorised undertakers or any company body or person to whom the Company are entitled to give a supply of electricity on the other hand may enter into and carry into effect agreements for and with respect to the construction laying down erection alteration maintenance or repair by any such undertakers company body or person on behalf of the Company or by the Company on behalf of any such undertakers company body or person of electric lines or other works or apparatus connected therewith for the supply or use of electricity or the exercise by either party to any such agreement of any powers of the other of them in reference to the matters aforesaid. Provided that the execution or exercise of any such works apparatus or powers shall be subject to any statutory provisions or regulations which would have related to the execution or exercise thereof by such undertakers company body or person or by the Company as the case may be.

57. A consumer supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and—

A.D. 1935.

—
Provisions
as to
supply of
electricity
by agree-
ment.

- (a) the provisions of that section shall apply to the supply afforded by the Company under such agreement;
- (b) any failure on the part of the Company to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company:

Provided that—

- (i) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section; and
- (ii) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Company under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

58.—(1) No consumer to whom electricity is supplied by the Company shall without the consent in writing of the Company use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illumination (all of which purposes are in this section referred to as “lighting purposes”) the whole or any part of any electricity supplied to him by the Company for any other purpose.

Use for
lighting
purposes of
electricity
supplied
for other
purposes.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Company through a meter for any other purpose shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which the offence is committed after conviction and shall in addition be liable to pay to the Company at such higher rate as they

A.D. 1935.

may for the time being be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for such other purpose within one year previous to the date when the Company shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Company shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Company.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Company have reasonable grounds for believing to be acting contrary to the provisions of this section.

Sale of
electrical
apparatus
let on hire.

59. If any owner or occupier of premises who has hired from the Company any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Company may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1933 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Company.

Power to
refuse to
supply
electricity
in certain
cases.

60. The Company may refuse to supply electricity to any person from whom any payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bona fide dispute) whether the payment be to the Company in respect of the premises for which a supply is demanded or in respect of other premises.

Power of
entry for
substitu-
tion of
electric
lines.

61. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new electric line for an electric line situate in or upon the private property of a consumer the Company after giving forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such electric line is laid or fixed may enter such house building or land between the hours of nine in the morning and four in

the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution :

A.D. 1935.
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Provided that the Company shall not without the previous consent of any railway company exercise the powers of this section in respect of any premises which form part of the railway of such company.

62.—(1) The powers conferred on the Company by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

Further powers as to entry upon premises.

(a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Company ;

(b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Company or not the ascertainment of whether or not there is or has been any contravention of any of the Acts applying to the Company or of any regulation or byelaw made thereunder and (where the Company are authorised under the provisions of any such Act regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Company shall not have any power of entry into any such premises except through an officer duly authorised by the Company who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Company to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be liable to a penalty not exceeding five pounds.

A.D. 1935.

(3) The provisions of this section shall not apply to or in respect of any premises (not being a dwelling-house) belonging to and used by the Southern Railway Company for the purposes of their railway and forming part of any station or goods depot.

Protection of seals &c. belonging to Company.

63. The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Company in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

As to use of transformers.

64. Where a separate transformer is provided at the expense of the Company for the purpose of affording a supply of electricity to any consumer the Company may subject to the provisions of the agreement under which the transformer was provided use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Company to extend the transformer so provided beyond the limits of the original site thereof.

Attachment of brackets &c. to buildings and bridges.

65.—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Company may with the consent in writing of the owner of any building or any bridge over any street or road attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Company any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to— A.D. 1935.

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same; or
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building or bridge owned by any highway authority railway or canal company or by any person authorised by or under any Act of Parliament or an Order having the force of an Act of Parliament to construct work or carry on any gas or water undertaking;

but if in the opinion of the Company any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal to the Minister of Transport and the Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he may think fit or disallow the attachments :

Provided that the Minister shall—

- (i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the President of the Air Council;
- (ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) Where any attachments have been attached to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Company notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Company shall within three months after the service of the notice remove the attachments :

A.D. 1935.

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to the withholding of a consent to the attachment of attachments.

(5) Where any attachments have been attached under this section to any building or bridge the owner of the building or bridge may require the Company at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(6) Any person (including the Company) deeming himself aggrieved by any order or determination made by a court of summary jurisdiction under the provisions of this section may appeal to the next practicable court of quarter sessions under and according to the Summary Jurisdiction Acts.

(7) In this section the expression "owner"—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

Power to lay down connecting lines in certain cases.

66.—(1) For the purpose of supplying electricity to any premises to which the Company are for the time being authorised to supply electricity the Company may lay down place maintain and use electric lines in order to connect such premises to a service line already laid

by the Company for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises. A.D. 1935.

(2) In relation to any such electric lines as aforesaid the Company shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Company of an electric line under the provisions of this section.

(4) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway company.

67.—(1) The Company may for the purpose of preventing fire in or injury to any building or premises supplied or proposed to be supplied with electricity by them or injury to any person make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises or required or used for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in or in respect of which such byelaws are not complied with. Byelaws as to wires apparatus and fittings.

(2) The Company may by any byelaws made under this section impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of five pounds for each offence and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the Company and such penalties may be recovered in a summary manner.

(3) Byelaws made under this section shall not have any force or effect unless and until they have been confirmed by the Electricity Commissioners and published in such manner as the Electricity Commissioners may direct.

A.D. 1935.

(4) No byelaws made under this section shall apply to or in respect of any premises (not being a dwelling-house) belonging to a railway company or any water undertakers and used for the purposes of their undertaking or to or in respect of any place or any premises to which the Factory and Workshop Act 1901 applies.

Penalty for interference with works.

68. If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connection with the supply of electricity by the Company or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

PART VII.

GAS AND ELECTRICITY.

As to streets forming boundary of limits of supply.

69.—(1) Where the gas limits or the electricity limits are bounded by or abut upon any street or part of a street wholly outside those limits the Company may for the purpose of supplying gas or electricity to the owner or occupier of any premises abutting upon that street or part of a street and being within the gas limits or the electricity limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing gas pipes electric lines and works as are exerciseable by them with respect to streets within the gas limits or the electricity limits subject nevertheless to the observance of the like conditions to those imposed on the exercise of such powers within the said limits.

(2) Nothing in this section shall entitle or require the Company to supply gas or electricity for any premises outside the gas limits or the electricity limits.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

70.—(1) The Company may acquire hold and use any patent rights or licences for the use of any inventions in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. A.D. 1935.
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Rights or
licences for
patents.

(2) The Company may join with the inventor of any invention relating to the business of the Company in applying for and obtaining a patent for such invention.

PART VIII.

MISCELLANEOUS PROVISIONS.

71.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they think fit to any employee or where in any particular case no adequate provision is in their opinion otherwise made to the widow or family or any dependant of an employee. Power to
grant
pensions &c.

(2) The directors may also make such payments as they think fit to any superannuation fund formed for the benefit of the employees.

(3) The directors may enter into and carry into effect agreements with any local authority as defined by the Local Government and other Officers' Superannuation Act 1922 to which that Act applies or with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions superannuation allowances or payments as are by this section authorised to be granted or made.

(4) The directors may subscribe or make donations to any fund raised in case of national emergency and to infirmaries hospitals convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees.

(5) The directors may apply the revenues of the Company for the purposes of this section.

(6) In this section the expression "employee" includes a managing director and a director appointed under the provisions of section 26 of the Gas Undertakings Act 1934.

A.D. 1935.

—
Super-
annuation
scheme.

72.—(1) The Company may establish and carry into effect and from time to time modify alter or rescind a scheme for the provision of superannuation allowances for employees and may by any such scheme provide for the making of contributions by the Company and by employees to the superannuation fund formed under any such scheme and for the investment of moneys forming part of such fund and the accumulation of interest or dividends on such investments by way of compound interest :

Provided that no modification alteration or rescission of any such scheme shall without his consent place any employee who at the date of such modification alteration or rescission is a contributor to the fund or entitled under such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.

(2) No superannuation fund established under this section shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

(3) The Company may apply their revenues for the purposes of this section.

Several
sums in one
summons.

73. Where the payment of more than one sum by any person is due under any one or more of the Acts or Orders from time to time relating to the Company any summons or warrant issued for the purposes of any one or more of such Acts or Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

As to
recovery of
sums due for
fittings &c.

74. If the Company commence proceedings for the summary recovery of any sum due for a supply of gas or electricity any other sum due or payable to the Company by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of gas or electricity or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of gas or electricity provided

that the sum so included as aforesaid does not exceed twenty pounds in any one summons. A.D. 1935.

75. The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred or imposed upon him under this Act and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to such inquiries as if they were inquiries held under subsection (1) of that section and the Company were a local authority. Inquiries.

76.—(1) The Act of 1912 shall be read and have effect as if in section 4 (Interpretation) for the definitions of the expressions “ the gas undertaking ” “ the electricity undertaking ” and “ the undertaking ” the following were substituted :— Amendment of existing enactments.

“ ‘ the gas undertaking ’ means the gas undertaking
“ of the Company for the time being authorised ;

“ ‘ the electricity undertaking ’ means the electricity
“ undertaking of the Company for the time
“ being authorised ;

“ ‘ the undertaking ’ means the gas undertaking and
“ the electricity undertaking ;”

except for the purposes of section 37 (For protection of Bognor Water Company) of the Act of 1912.

(2) The Act of 1927 shall be read and have effect as if—

(a) In section 5 (Interpretation) for the definitions of the expressions “ the gas undertaking ” “ the electricity undertaking ” and “ the undertaking ” the following were substituted :—

“ ‘ the gas undertaking ’ means the gas
“ undertaking of the Company for the time
“ being authorised ;

“ ‘ the electricity undertaking ’ means the
“ electricity undertaking of the Company for
“ the time being authorised ;

“ ‘ the undertaking ’ means the gas under-
“ taking and the electricity undertaking ;”

A.D. 1935.

(b) In section 10 (As to construction and placing of pipes &c.) for paragraph (a) of subsection (2) the following provision were substituted :—

“ (a) The Company shall publish once in the
“ London Gazette and once in each of two
“ newspapers circulating within the limits of
“ supply a notice in the form to be approved
“ by the Board of Trade of any application
“ made by them to the Board for approval of
“ any specification which notice shall specify
“ a place within the limits of supply at which
“ a copy of the proposed specification has
“ been deposited for public inspection and
“ shall contain an intimation that any person
“ affected by such proposed specification may
“ make representations in writing to the Board
“ within a period to be specified in the
“ notice; ”

(c) In section 55 (As to appointment of proxies) the words “ or if it has been deposited in the Central
“ Office of the Supreme Court an office copy
“ thereof ” were inserted after the words “ the instrument appointing the proxy.”

Repeal.

77. The following provisions of the undermentioned Acts and Order are hereby repealed :—

The Act of 1908—

So much of section 21 (Capital and issue thereof to shareholders of limited company) as defines the capital of the Company;

Section 26 (Transfer of stock);

Section 27 (Profits of Company limited);

Section 28 (Power to Company to raise additional capital);

Section 31 (Power to create a reserve fund out of dividends in excess of authorised rate of dividend and application thereof);

Section 33 (Application of premium arising on issue of stock);

Section 35 (Priority of debentures);

Section 37 (Debenture stock);

Section 40 (Application of moneys);

[25 & 26 GEO. 5.] *Bognor Gas and Electricity Act, 1935.* [Ch. lxxxii.]

- Section 41 (First ordinary meeting); A.D. 1935.
Section 43 (Qualification of directors);
Section 46 (Scale of voting);
Section 47 (Contracts not to disqualify for office of director);
Section 49 (Power to purchase lands by agreement);
The first and second provisoes to section 51 (Dividends dependent on price charged).

The Act of 1912—

- Section 11 (Power to Company to raise additional capital);
Section 13 (New stock to form part of capital of Company);
Section 14 (Restriction as to votes in respect of preferential stock);
Section 15 (Dividends on new stock);
Section 16 (Profits of Company on additional capital limited);
Section 21 (Existing mortgages to have priority);
Section 22 (Debenture stock);
Section 23 (Power to create a special purposes fund);
Section 26 (Power to purchase lands by agreement);
Section 27 (Power to sell and lease lands);
Section 35 (Company may apply for Provisional Orders).

The Bognor Gas (Charges) Order 1922—

- Section 4 (Modification of sliding scale).

The Act of 1927—

- Subsection (2) of section 9 (Price of gas in added areas);
Section 22 (Power to take licences for use of patents);
Section 28 (Entry upon premises);
Section 32 (Additional capital);

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- Section 33 (Power to issue preference shares or stock instead of ordinary stock);
- Section 34 (Limit of dividend);
- Section 35 (New shares or stock to be subject to the same incidents as other shares or stock);
- Section 36 (New shares or stock to form part of capital of Company);
- Section 37 (Restriction as to votes in respect of preference stock);
- Section 38 (Dividends on new shares or stock);
- Section 39 (Sale of shares or stock by auction or tender);
- Section 40 (Power to borrow);
- Section 41 (Power to create debenture stock);
- Section 43 (Existing mortgages to have priority);
- Section 44 (Appointment of receiver);
- Section 45 (Application of excess of profits over authorised rates of dividend);
- Section 46 (Renewal funds);
- Section 47 (Redeemable preference shares or stock and debenture stock);
- Section 48 (Receipt in case of persons not sui juris);
- Section 49 (Application of moneys);
- Section 52 (Interim dividends and annual accounts);
- Section 58 (Several sums in one summons);
- Section 62 (Power to grant pensions &c.).

Costs of Act.

78. 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 Company and may in whole or in part be defrayed out of revenue.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1935.

(A) CAPITAL OF THE COMPANY.

Authority.	Description of capital.	Dividend.	Total paid up.			Remain- ing to be raised.	Total amount autho- rised.			
			Nominal.	Premiums received less discounts.						
		%	£	£	s.	d.	£	s.	d.	£
The Act of 1908	Consolidated ordinary stock "A"	5 (Standard)	50,830	2,170	0	0	Nil			53,000
	Consolidated ordinary stock "B"	5 (Standard)	21,700	Nil			Nil			21,700
The Act of 1912	New consolidated stock	7 (Maxi- mum)	29,650	350	0	0	Nil			30,000
The Act of 1927	Consolidated ordinary stock "A"	5 (Standard)	28,380	11,616	16	1	3	3	11*	40,000
	New consolidated stock	7 (Maxi- mum)	57,510	2,486	17	4	3	2	8*	60,000
			£188,070	£16,623	13	5	£6	6	7	£204,700

* These amounts may also be raised by the creation and issue of new preference shares or stock.

A.D. 1935. (B) AMOUNTS AUTHORISED TO BE RAISED RAISED AND REMAINING TO BE RAISED BY THE COMPANY ON MORTGAGE OR BY THE CREATION AND ISSUE OF DEBENTURE STOCK.

Authority.	How raised.	Rate of interest.	Amount raised.		Remain- ing to be raised.	Total amount autho- rised.
			Nominal.	Premiums.		
The Bognor Gas and Elec- tricity Acts and Orders 1908 to 1927	Debenture stock	4 10 0	£ 6,000	} 2,831 14 3	} 18 5 9	£ 102,350
	Redeemable debenture stock	5 10 0	73,450			
	Redeemable debenture stock	4 10 0	13,000			
	Redeemable debenture stock	4 10 0	7,050			
				£99,500	£2,831 14 3	£18 5 9

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