



SUPPLEMENT
TO
The Edinburgh Gazette

Of *FRIDAY* the 20th of *SEPTEMBER* 1918.

Published by Authority.

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SATURDAY, SEPTEMBER 21, 1918.

**THE HOUSEHOLD FUEL AND LIGHTING
(SCOTLAND) ORDER, 1918.**

INTRODUCTORY NOTE.

This Order falls into four sections.

The first section contains those provisions which specifically affect consumers of fuel and lighting, and is in three parts:—

- I. The Scope of the Order (Clauses 1-5).
- II. Allowances for Fuel and Lighting (Clauses 6-17).
- III. Duties of Consumers (Clauses 18-27).

The second section relates to the organization to be set up and the procedure to be followed to give effect to the Order, and is in one part:—

- IV. Organization (Clauses 28-46).

The third section contains those additional provisions which affect persons engaged in the supply and distribution of fuel and lighting, and is in three parts:—

- V. Registration and Licensing (Clauses 47-55).
- VI. Duties of Coal Merchants and Dealers (Clauses 56-72).
- VII. Duties of Undertakers of Gas and Electricity Supplies (Clauses 73-80).

The fourth section relates to the sale of coal, and is in one part:—

- VIII. The Sale of Coal (Clauses 81-94).

A final part comprises those general provisions which are common to all sections:—

- IX. General Provisions (Clauses 95-102).

DEFENCE OF THE REALM.

BOARD OF TRADE—COAL MINES
DEPARTMENT.

THE HOUSEHOLD FUEL AND
LIGHTING (SCOTLAND) ORDER, 1918.

THE HOUSEHOLD FUEL AND LIGHTING (SCOTLAND) ORDER, 1918, DATED 18TH SEPTEMBER 1918, MADE BY THE BOARD OF TRADE UNDER REGULATIONS 2F TO 2JJ, INCLUSIVE, OF THE DEFENCE OF THE REALM REGULATIONS.

The Board of Trade deeming it expedient to make further exercise of their powers under the Defence of the Realm Regulations as respects coal, gas and electricity hereby order as follows:—

PART I.—THE SCOPE OF THE ORDER.

Coal, gas and electricity used for domestic or quasi-domestic purposes.

1. This Order extends to coal, gas and electricity used:—

- (a) for heating or cooking in any premises;
- (b) for industrial purposes either in a dwelling-house or in a building adjacent to or connected with a dwelling-house and occupied as part thereof; or in a laundry, bakehouse, dairy, farm, greenhouse, or other industrial or trade premises in which occupations of a domestic or quasi-domestic character are carried on; or in any premises where the total quantity used in the preceding year ended the 30th June 1918 shall not have exceeded 100 tons (determined in accordance with the provisions of clause 7 hereof);
- (c) for lighting purposes in any premises where the use of coal, gas or electricity for any other purpose comes within the scope of this Order in virtue of the foregoing provisions of this clause.
- (d) for the production or generation in a private works of gas or electricity to be consumed in any premises where the use of coal, gas or electricity for any other purpose comes within the scope of this Order in virtue of the foregoing provisions of this clause.

In case of dispute as to whether any premises come within the scope of this clause, the decision of the Controller of Coal Mines shall be final and conclusive in every case.

Definition of Coal and Fuel.

2. In this Order (except where the context clearly indicates the contrary) "Coal" means anthracite and all other kinds of coal, coke, briquettes and any other solid fuel of which coal or coke is a constituent; "Fuel" means coal, gas and electricity used for all purposes except lighting.

The Controller of Coal Mines to exercise powers.

3. The Controller of Coal Mines for the time being appointed by the Board of Trade, hereinafter referred to as the "Controller," shall be responsible to, and is hereby authorized by, the Board of Trade to take such action and enforce such measures as are necessary to give effect to this Order, and for this purpose to make such rules and issue such instructions as may be required.

Suspension of Order or part thereof.

4. The Controller may suspend from time to time and for any period, and in any district or part of a district of a Local Authority, the operation of all or any of the provisions of this Order as he may think fit, and may in like manner restore such operation.

Definition of Local Authority, etc.

5. This Order applies to Scotland and throughout this Order the expression "Local Authority" means the Council of a County or Burgh, or any District Committee to which a County Council shall delegate its powers under this Order; "Month" means a calendar month; "Quarter"

means a three-monthly period ending as nearly as possible on the 31st March, the 30th June, the 30th September or the 31st December in any year; "Person" includes any firm or association or body of persons, a company, corporation or other corporate body; "Dwelling-house" includes any part of a dwelling-house in separate occupation.

PART II.—ALLOWANCES FOR FUEL AND LIGHTING.

Scale of fuel allowances (Dwelling-houses).

6. Subject to the provisions of this Order, the allowance of fuel in respect of any dwelling-house shall not exceed the quantity prescribed in accordance with the following table or such other quantity, whether less or more, as the Controller may subsequently determine, for any period of time or in respect of any district:—

Where the number of rooms occupied is—	The fuel allowance for the year shall not exceed—
	Tons.
Not more than 3 ...	4
4 ...	5
5 ...	6
6 ...	7
7 ...	8
8 ...	9
9 ...	10
10 ...	11
11 ...	12
12 ...	13

and for every additional room 1 ton until a maximum of 20 tons is reached, thereafter any additional allowance not exceeding 1 ton per room shall be in the discretion of the Local Fuel Overseer (to be appointed as hereinafter provided).

Provided always that where the number of people habitually resident in a dwelling-house of not more than 12 rooms exceeds 6, the scale allowance as determined by the above table shall be increased by 1 ton.

Conversion of fuel into coal, gas and electricity.

7. Consumers may take the allowance of fuel to which they are entitled under the table in coal, gas and electricity in such proportions as they think fit, in accordance with the following rules:—

In calculating the prescribed quantity:—

- (a) Anthracite shall count as fuel at the same rate as ordinary coal.
- (b) 3 tons of coke shall only count as 2 tons of fuel, and so in proportion for other quantities.
- (c) Briquettes not sold by weight and not exceeding 2½ lb. each in weight shall count as 1,000 to the ton and so in proportion.

The tons of briquettes to be taken as equivalent to a ton of fuel shall, subject to the approval of the Controller, be determined by the Local Fuel and Lighting Committee (to be appointed

as hereinafter provided) in respect of any particular class of briquettes.

(d) 15,000 cubic feet of gas shall count as 1 ton of fuel.

(e) 800 Board of Trade units of electricity shall count as 1 ton of fuel.

The quantity of fuel to be taken as gas or electricity must be calculated to the nearest quarter of a ton.

The allowance of fuel to be taken as coal shall not be less in any case than 2 tons 12 cwt., except with the previous assent of the Local Fuel Overseer.

Any quantity of fuel allowed additional to 20 tons may be required to be taken either wholly or partly in such specific form of fuel as the Local Fuel Overseer may determine.

Provided always that a consumer may not, without the assent of the Local Fuel Overseer, elect to take for consumption more gas or electricity than the quantity taken in the previous year.

The Controller may, by notice at any time and for any district, alter the conversion equivalents set out in this clause or may establish additional conversion equivalents without prejudice to any matters or things done under this Order and without revision of any requisitions or certificates dealt with under this Order.

Scale of lighting allowances (Dwelling-houses).

8. Subject to the provisions of this Order, and in addition to the allowances for fuel as set out in clause 6 hereof, there shall be allowed for lighting in dwelling-houses the quantities of gas and, or electricity prescribed in accordance with the following table or such other quantities, whether less or more, as the Controller may subsequently determine for any period of time or in respect of any district:—

Where the number of rooms occupied is—	The lighting allowance for the year shall not exceed—	
	either cubic feet of gas.	or B. of T. units of electricity.
1, 2 or 3 ...	9,000	150
4, 5 or 6 ...	13,500	225
7, 8 or 9 ...	18,000	300
10, 11 or 12 ...	22,500	375
13, 14 or 15 ...	27,000	450
16, 17 or 18 ...	31,500	525
19, 20 or 21 ...	36,000	600

Gas or electricity allowed for lighting under this clause may at the option of the consumer be used for other domestic purposes, but cannot be converted into coal.

Where gas and electricity are both used for lighting the consumer may elect to take under this clause part of the allowance as gas and part as electricity, 750 cubic feet of gas being taken for this purpose as equivalent to 12 B. of T. units of electricity, and *vice versa*. Conversion may only take place by multiples of these quantities.

Definition of rooms and occupation.

9. Rooms shall only count where furnished and in actual occupation, except that bedrooms furnished but only occasionally-occupied shall count

as rooms. The following shall not count as rooms, viz.: Sculleries not used as and in place of kitchens, bathrooms, halls not used as sitting rooms, dressing rooms not used as bedrooms, box-rooms, cellars, pantries not containing fireplaces or stoves, storerooms, greenhouses attached to houses and out-buildings.

There shall not be any allowance in respect of a dwelling-house or part thereof which is permanently unoccupied, and similarly any allowance shall be withdrawn or varied in respect of any temporary cessation of occupation exceeding one month in the year of the whole or part of any premises. In calculating the extent of such withdrawal or variation the consumption of fuel and lighting for the period from May to October shall be deemed to be half the consumption for the period from November to April, but within those respective periods the consumption of fuel and lighting shall be spread equally over the several months.

Where a consumer has more than one place of residence the allowances to be made in respect of his several places of residence shall be considered together in relation to the actual occupation thereof.

Additional allowances of fuel and lighting.

10. An additional allowance not exceeding 5 tons of fuel in a year in respect of a dwelling-house may be granted by the Local Fuel Overseer on the application of the occupier, where the absence of an additional allowance would cause material hardship, on all or any of the following grounds:—

- (1) The presence of aged or infirm persons, invalids or young children.
- (2) The occupation of separate rooms by lodgers.
- (3) The use of rooms for a business or profession in a dwelling-house or other building used in connection therewith.
- (4) The necessity for the upkeep of fires and light during the night as well as the day by reason of the hours during which the occupier or other resident is engaged at work, or exceptional exposure to the weather suffered by such occupier or other resident while at work or the physical conditions under which such occupier or other resident actually works.
- (5) Illness, but in this case the allowance shall be of a temporary character only in accordance with a medical certificate to be provided by the applicant.

An additional allowance shall be in fuel or in such specific fuel as coal, coke, gas or electricity as the Local Fuel Overseer may determine. An additional allowance or part thereof may be used for lighting.

An additional allowance may in the discretion of the Local Fuel Overseer be made contingent upon the existence of surplus supplies of coal, coke or other fuel in any month.

Further additional allowances not exceeding 5 tons of fuel in a year may be granted where the supply is required for consumption in connection with any industrial, trade or manufacturing process carried on in a dwelling-house or other building adjacent to or connected with a dwelling-house and occupied as part thereof, such allowances to be distinct from the allowances (if any) granted for the reasons stated in the preceding part of this clause.

Special assessments of fuel and lighting.

11. The occupier of any premises (other than a dwelling-house) to which this Order applies shall, on his request and on compliance with the procedure to be laid down for that purpose, be assessed individually having regard to his special requirements in the way of heating, cooking, lighting, or other services, the extent and nature of his buildings, the purposes for which he consumes fuel and lighting, his previous consumption within one or more of the three years prior to the 1st July 1918, and any other special circumstances, and the amount of such assessment shall be the maximum allowance of fuel and lighting permitted under the Order in respect of such premises. Such allowance may be granted subject to such conditions as the Local Fuel Overseer may determine.

The occupier of a dwelling-house exceeding 15 rooms calculated in accordance with clause 9 hereof, may apply to the Local Fuel Overseer to be assessed individually under the provisions of this clause.

Joint assessments.

12. Single assessments of fuel and/or lighting supplies shall if required by the Local Fuel Overseer be made—

- (a) for a residential estate or farm where the proprietor, occupier or manager supplies fuel and/or lighting to his tenants, servants and workpeople;
- (b) for a tenement or block of flats where the proprietor or manager undertakes wholly or partly the supply of lighting or heating or the provision of hot water or other services involving the consumption of fuel;
- (c) for a group of houses, cottages or rooms managed on a communal basis;
- (d) for a dwelling-house occupied by more than one household in common;
- (e) for a dwelling-house part of which is occupied by a sub-tenant, but such part is not separately assessed for rating purposes.

Such assessments shall have regard to any previous practice with regard to the supply or distribution of fuel and/or lighting and in the discretion of the Local Fuel Overseer or the Controller, shall be either a total quantity calculated in respect of each separate dwelling-house in accordance with the tables in clauses 6 and 8 hereof, or by special assessment in accordance with the provisions of clause 11 hereof.

Where such a single assessment is to be made, the application or requisition shall be submitted by the proprietor, occupier, manager or other responsible person, and the certificates to be issued for the supplies of fuel and/or lighting shall in addition to any allowance required for common services show the several allowances remaining due to each tenant, sub-tenant or occupier in detail, and the proprietor, occupier, manager or other responsible person submitting the application or requisition shall not appropriate or vary in any respect the allowances so stated therein as due to each separate tenant, sub-tenant or occupier without his assent.

Upon the request of a separate tenant, sub-tenant or occupier, setting out that he is unable to obtain his proper allowance of fuel and/or lighting, separate certificates of supply may, if the Local Fuel Overseer thinks fit, be issued in place of the one certificate, in respect of the

allowances remaining due to each separate tenant, sub-tenant or occupier, but without prejudice to any proceedings which may be taken against the proprietor, occupier, manager or other responsible person in default under this clause.

Fuel for private production of gas or electricity.

13. Where fuel is required for the generation or production of gas and/or electricity, not for public sale and distribution, but for consumption in any premises in respect of which the provisions of this Order as to fuel apply, the allowance of fuel to be made for such purpose shall be limited to the amount actually required for the generation or production of the quantities of gas and/or electricity to which such premises are entitled under the provisions of clauses 6 to 12 hereof, inclusive, and such allowance of fuel shall be additional to any allowance under any other provisions of this Order.

Fuel allowed for specific purposes.

14. Where any allowance of fuel is stated to be for a specific purpose it shall not be applied to any other purpose without the previous assent of the Local Fuel Overseer.

Period of allowance.

15. Allowances shall run for one year calculated from the first day of October, or from such approximate date being the date of the last meter readings in the case of gas and electricity. In the case of coal, allowances shall relate to such part of such year commencing the first day of October as there may still be to run at the date of the requisition, and the quantity allowed shall be adjusted as provided in clause 9 hereof; or in the alternative such allowances shall run for one year from the date of the requisition as the Local Fuel Overseer may decide.

Provided that where it is known or there is reason to suppose that an occupation is only temporary, the allowance shall be for one or more months in the discretion of the Local Fuel Overseer, and shall be renewed from time to time.

Provided further that where the Local Fuel Overseer has reason to believe that in any premises fuel and/or lighting is being consumed at a rate exceeding that which would be reasonable under the allowance determined for such premises under or by this Order, he may cancel the yearly allowance and in its place grant and renew from time to time an allowance for one or more months as he may think fit.

Appeals.

16. There shall be an appeal from the decision of the Local Fuel Overseer, upon any allowance under clauses 6 to 13 hereof, inclusive, to the Local Fuel and Lighting Committee, and further from the Local Fuel and Lighting Committee to the Controller. The decision of the Controller shall be final in every case.

Miners' coal.

17. Coal supplied to miners and other regular workers at collieries or in connection therewith, either directly or indirectly, and whether free or at a nominal or reduced price, in accordance with any existing agreement or with any previously established practice relating to wages' payments or in substitution therefor, shall be continued and

shall not be reduced by reason of any of the provisions of clauses 6 to 13 hereof, inclusive; nor shall any form of requisition or other application be required from miners and such other persons entitled to such supplies.

The person responsible for such supplies shall make a return to the Local Fuel Overseer of the district in which the miner or other person resides of the quantity supplied or to be supplied to such miner or other person.

PART III.—DUTIES OF CONSUMERS.

Duties of consumers as to procedure.

18. After 42 days from the date on which this Order comes into effect, no person being a consumer shall purchase, obtain, or in any way acquire fuel and / or lighting for consumption in any premises to which this Order applies unless he has complied with the following provisions:—

- (a) Every person requiring fuel and / or lighting for consumption in any premises as coal not exceeding 2 cwts. at one time, up to a total quantity not exceeding 3 tons 5 cwts. in any period of 12 months, or such further quantity as may be determined from time to time by the Controller for any district, and gas not exceeding 8,000 cubic feet in any quarter, or 24,000 cubic feet in any period of 12 months, and electricity not exceeding 50 Board of Trade units in any quarter, or 150 Board of Trade units in any period of 12 months, shall, if required by the Local Fuel Overseer with the assent of the Local Fuel and Lighting Committee, state the name and address of the registered coal merchant or licensed coal dealer from whom he intends to purchase, obtain or otherwise acquire the coal, and such person shall not in that event purchase, obtain or otherwise acquire coal from any other merchant or dealer than the one stated without the previous assent of the Local Fuel Overseer.

- (b) Subject to the provisions of clause 12 hereof, every person requiring to be supplied with fuel and / or lighting for consumption in any premises in quantities exceeding the quantities set out in paragraph (a) of this clause, whether of coal, gas or electricity, or such further quantity of coal as may be determined from time to time by the Controller for any district, shall obtain and fill up in writing, as the Controller shall direct, an application for fuel and lighting in such form as shall be approved by the Controller, and shall sign the same, and shall subsequently complete as required a requisition in respect of each such premises in separate occupation for which a supply of fuel and / or lighting is desired by him. The Local Fuel Overseer or the Controller shall issue or cause to be issued a certificate or certificates in respect of the quantities of coal, gas or electricity determined as the allowance for such premises and supplies shall thereafter only be made in accordance with such certificate or certificates.

In any case an application for fuel and lighting under this sub-section shall be completed prior to the 30th November next.

- (c) A person shall not, except with the previous assent of the Local Fuel Overseer or except by way of claim for an additional allowance under clause 10 hereof, submit more than one requisition for the same period for the supply of fuel and / or lighting for the same premises.
- (d) A person shall, if required, give in any application or requisition for fuel and lighting, full particulars as to the premises separately occupied by him in respect of which the supply of fuel and / or lighting is desired, the purpose for which the fuel and / or lighting is required, the previous consumption of fuel and / or lighting, the stock of coal on hand available for use and the quantity acquired in any way since the 1st May last, and any other particulars which in the opinion of the Controller would enable him or the Local Fuel Overseer, as the case may be, to determine the allowance in respect of such premises under clauses 6 to 13 hereof, inclusive.

Duties of consumers as to supplies.

19. A person being a consumer shall not, in respect of any premises to which this Order applies—

- (a) after 28 days from the date on which this Order comes into effect, except within the terms of clause 55 hereof, order, purchase, obtain, or in any way acquire or attempt to acquire coal except from a registered coal merchant or licensed coal dealer; or, without the previous assent of the Local Fuel Overseer, order, purchase, obtain, or in any way acquire or attempt to acquire coal or coke from more than one registered coal merchant or licensed coal dealer;
- (b) after the date on which this Order comes into effect, take delivery of or in any way acquire or attempt to acquire for consumption in any premises any quantity of coal which, together with any quantity of coal in his possession available for use in such premises, would exceed the allowance under clauses 6 to 13 hereof, inclusive, for such premises. Provided always that prior to the determination of any allowance under clause 11 hereof for a dwelling-house the allowance in respect of such dwelling-house shall be deemed not to exceed 20 tons;
- (c) after the submission of a requisition to a Local Fuel Overseer in respect of any premises in his occupation take delivery of or in any way acquire coal in quantities of 2 cwts. or less at one time from any hawker or trolley-man or person dealing in coal except where such consumer can show that such quantity of coal was necessary for the prevention of hardship by reason of any failure to receive supplies under the requisition;
- (d) consume or cause or permit to be consumed upon any premises in his occupation in any year or other period, coal, gas, or electricity, exceeding the quantity determined under clauses 6 to 13 hereof inclusive, as the allowance in respect of such premises for a year or for such other period as the Local Fuel Overseer may certify.
- (e) consume or cause or permit to be consumed

upon any premises in his occupation in any quarter gas or electricity at a rate for such quarter exceeding one-third of the total yearly allowance of gas or electricity determined under clauses 6 to 13 hereof inclusive for such premises, subject to any adjustment which should be permitted in respect of any quantities not consumed in any previous quarter of the year; and subject always to any special conditions which the Local Fuel Overseer may determine in granting such allowance;

- (f) waste, or permit to be wasted, any coal, gas, or electricity; and for the purposes of this clause, cinders capable of being further consumed shall be deemed to be coal.

Notice of removals.

20. Where a person is removing or about to remove from any premises in respect of which fuel and/or lighting is being obtained under a certificate or certificates issued in accordance with the procedure prescribed under this Order he shall give notice to the Local Fuel Overseer of such removal and of the address to which he is removing in such form as may be prescribed.

Where it shall be found that the quantity of fuel and/or lighting consumed or acquired for consumption in such premises is in excess of the quantity properly allowed for consumption in respect of the period of time elapsed since the date of the requisition or other date from which the allowance runs, calculated in accordance with clause 9 hereof, such excess shall be brought into account in any new requisition of such occupier in respect of any new premises, subject to any adjustment in respect of the stock of coal which may be left behind at such premises.

Such action shall be without prejudice to any proceedings which may be taken against such consumer for failure to comply with the terms and provisions of this Order.

A person may be required in respect of the occupation of any premises commenced after 42 days from the date on which this Order comes into effect to afford evidence to the Local Fuel Overseer of the district in which such premises are situate that he has complied with the requirements of this clause.

Orders for coal to be in writing.

21. Every order for coal subsequent to a requisition shall be in writing, in a form to be approved by the Controller, and the consumer shall be required to state on this form particulars of any existing stock of coal which he has available for use in connection with the premises in respect of which the order is placed.

An order may be a continuing order for a delivery at regular intervals, and such order shall not need to be renewed in respect of each delivery.

All orders for coal outstanding on the 1st October 1918 are hereby cancelled unless they are for such quantities as comply with the provisions of clause 19 (b) hereof.

Stock of coal on hand in fulfilment of requisition.

22. The stock of coal in the possession of the consumer at the date of the requisition shall be deemed to be in full or part satisfaction of his coal requirements for the year.

Stock not to exceed a year's allowance and not to be acquired in winter months.

23. A consumer shall not have in his possession at any time coal more than sufficient to satisfy his allowance for a period of 12 months, and shall not acquire coal except to meet current needs during the period from the 1st October to the 30th April in any year without the previous assent of the Local Fuel Overseer.

Method of dealing with excess stocks.

24. Where a consumer has a stock of coal in excess of the quantity referred to above, the Controller, or any person duly authorized by him, may take possession on behalf of the Board of Trade of such excess and apply it in such manner as he may think fit and upon such terms as may be determined by agreement or otherwise settled by a single arbitrator to be appointed by the Controller. Provided that where a consumer within 42 days of the date on which this Order comes into effect advises the Local Fuel Overseer of the district of the existence of such excess stock, the Local Fuel Overseer may, if he think fit, issue to such consumer a certificate authorizing the holding of such excess stock as shall be declared, or any part thereof, and such stock or part thereof shall be held by such consumer for his own benefit for such period of time and under such conditions as the Local Fuel Overseer shall direct.

Special reserve stock for consumer.

25. A Local Fuel Overseer may grant to a consumer a certificate entitling such consumer to hold such stock in excess of that permitted under clause 23 hereof, as he may think fit, and subject to such conditions as he may determine, provided that such stock is not disposed of or consumed in such a way as to increase the allowance of such consumer for any period.

Evidence in support of requisition to be afforded.

26. Every consumer shall, if requested so to do, afford the Local Fuel Overseer or the Controller, or any duly authorized representative of either of them, such evidence in support of his requisition or any application thereunder as may be required, and shall further give every assistance to enable any particulars advanced by him in support of his requisition or other application to be verified.

Power of entry to inspect premises.

27. Any person specially authorized in writing by the Controller may enter upon any premises, (a) in which he has reason to believe that any coal is being kept in contravention of this Order; or (b) in respect of which a requisition has been received, and may carry out such inspection and examination of the premises as he may think necessary.

PART IV.—ORGANIZATION.

Appointment of Local Fuel Overseer.

28. Each Local Authority shall, within 14 days of the date on which this Order comes into effect, appoint a person who shall be known as the Local Fuel Overseer for the district of such Local Authority or for such part thereof as is included in the Order, and the Local Authority may, and if required by the Controller shall, vary or renew

or determine such appointment from time to time as may be required or deemed expedient.

Two or more Local Authorities may, with the assent of the Controller, and shall, if so required by the Controller, combine for the purpose of appointing a common Local Fuel Overseer, or for any other purposes under this Order where their districts or parts thereof can be conveniently treated as one by reason of their size or configuration, or when their supplies of coal cannot conveniently be separated and distinguished, and a single Local Authority may with such assent, and shall if so required, divide its district into more than one where such district is of such extent that it can be most conveniently treated as more than one district, and a Local Fuel Overseer shall be appointed for each part of a district so divided.

The word "district" as hereinafter used in this Order means the district for which a Local Fuel Overseer is appointed under this clause.

Public Office of Local Fuel Overseer.

29. The Local Authority or Authorities shall establish for each district an office or offices which shall be open during the usual business hours of offices in the district, and at such other times as may be found necessary, and shall give public notice of the name of the Local Fuel Overseer for such district, and the address of such office or offices as aforesaid to the intent that all communications relating to the supply and distribution of fuel and lighting to consumers within such district shall be sent to such office or offices and dealt with by such Local Fuel Overseer.

Local Fuel and Lighting Committee—Constitution.

30. The Local Authority or Authorities may appoint in each district, to supervise and assist the Local Fuel Overseer, a Local Fuel and Lighting Committee which shall be constituted as follows:—

Two members, one of whom shall undertake the duties of Coal Merchants' Supervisor, to be nominated or elected as provided in clause 39 hereof.

One member to be nominated by the gas company or companies, or other gas undertakers (if any) to represent the gas works, either situated within the district or authorized to supply within the district, who shall undertake the duties of Local Gas Supervisor.

One member to be nominated by the electricity company or companies or other electricity undertakers (if any) to represent the electricity works, either situated within the district or authorized to supply within the district, who shall undertake the duties of Local Electricity Supervisor.

If the Local Authority or Authorities concerned desire, or if the Controller requires:—

Not more than two members to be nominated by the railway company or companies having depots or sidings within the district through which coal is supplied, or by the canal company or companies having wharves within the district through which coal is supplied, or by the harbour board or company or river conservancy having wharves or accommodation within the district through which coal is supplied.

In every case there shall be appointed by the Local Authority or Authorities an equal number

of members to those to be appointed under the foregoing provisions, but not being less than five, and in addition a Chairman of the Committee, which members are hereinafter referred to as the "independent members."

The Local Fuel Overseer shall also be a member of the Committee, but shall not vote upon any appeal from any decision given, or action taken, by him or upon any matter involving expense to the Local Authority or Authorities.

A representative of the Road Transport Board may attend any meeting of the Committee at which questions of cartage or road transport are to be discussed, but shall not vote at such meeting.

Enlarged Local Fuel and Lighting Committees.

31. The Controller may, on the application of a Local Authority or of two or more Local Authorities combining for any of the purposes of this Order, agree to such additions to, or variations in, the constitution of the Local Fuel and Lighting Committee as he may think desirable.

In particular, where the gas and/or electricity undertaking in any district is owned by the Local Authority, the Controller may agree to the Chairman of the Committee of the Council charged with the oversight of such undertaking being *ex officio* a member of the Local Fuel and Lighting Committee, provided always that an additional independent member be at the same time nominated to such Committee by the Local Authority.

Secretary.

32. A Secretary may be appointed by the Local Fuel and Lighting Committee, but such Secretary shall have no executive authority in relation to any matter or thing under this Order apart from the Local Fuel Overseer.

Local Fuel and Lighting Committees: Minutes, Procedure, etc.

33. A Local Fuel and Lighting Committee may, subject to the approval of the Controller, make such rules as it thinks fit for the conduct of business, the time and place of meetings, the constitution of a quorum, the appointment of sub-committees and the procedure to be followed.

Only the independent members of the Committee shall vote upon any question or decision involving expense to the Local Authority.

A Local Fuel and Lighting Committee shall exercise such powers and discharge such duties as the Controller shall from time to time assign to it, and in the exercise of such powers and the discharge of such duties shall comply with the directions of the Controller.

Minutes shall be kept of all proceedings of a Local Fuel and Lighting Committee and copies shall be sent to the Controller. Copies of the minutes certified by the Chairman and/or Secretary shall be *prima facie* evidence of the decisions of the Committee.

Any rules or instructions made or issued by a Local Fuel Overseer or a Local Fuel and Lighting Committee under this Order affecting the public generally shall be published in a newspaper circulating within the district of such Overseer or Committee.

Disqualification of Local Fuel Overseer, etc.

34. Neither the Local Fuel Overseer nor the Chairman nor any member of the Local Fuel and

Lighting Committee to be nominated by the Local Authority or Authorities as an independent member, shall be interested directly or indirectly in the supply or distribution of coal, gas, or electricity.

The ownership of the local gas or electricity undertaking by the Local Authority shall not on that account disqualify those members of the Council who are not immediately concerned with the conduct of such undertakings; and the mere fact of holding shares in any company interested in the supply or distribution of coal, gas or electricity shall not be a disqualification provided that the fact is disclosed, and that the other members of the Committee shall not dissent to such nomination or appointment on that account.

Provided that the Controller may, on representations that any member of the Local Fuel and Lighting Committee referred to in this clause, has not acted in a fair and impartial manner in relation to the conflicting interests of coal, gas, and electricity, require the removal of such member and the nomination of another person to take his place.

Relations and Functions of Local Fuel Overseer and Local Fuel and Lighting Committee.

35. The Local Fuel Overseer shall be responsible to and shall report direct to the Controller, or to the officers to be appointed by him for that purpose, in the execution of all duties definitely laid upon him by this Order or by any rules or instructions made by the Controller under this Order, and he shall comply with any directions given to him by the Controller.

Wherever a decision of the Local Fuel Overseer is not declared to be final by this Order or by any rules or instructions issued thereunder, or is not required to be taken with the assent or approval of the Local Fuel and Lighting Committee, there shall be an appeal from such decision to the Local Fuel and Lighting Committee, which may confirm or vary such decision as it thinks proper.

The Local Fuel Overseer shall make such reports to the Local Fuel and Lighting Committee as may be necessary for this purpose.

Records, Returns, etc., of Local Fuel Overseer.

36. The Local Fuel Overseer shall keep such records and make such reports and returns from time to time to the Controller as the Controller may determine.

All records, reports, returns, correspondence, books, papers and documents of the Local Fuel Overseer shall be treated as private and confidential, and deemed to be the property of the Controller, and shall be accessible and open at all reasonable times to the inspection of the duly authorised representatives of the Controller, who may make extracts therefrom.

Duties of Local Authority as to reserve stocks, byelaws, etc.

37. The Local Authority shall, by its officers or servants, afford all necessary assistance to the Local Fuel Overseer in the execution of his duties and the administration of this Order, and in particular shall—

(a) if the Controller so directs, or if in the opinion of the Local Fuel and Lighting Committee a reserve stock of coal is necessary to safeguard the interests of con-

sumers within the district and the Controller assents, establish such a reserve stock which shall be at the disposal of the Local Fuel Overseer, subject to any directions that the Local Fuel and Lighting Committee may give;

(b) at the instance of the Local Fuel and Lighting Committee direct how and when deliveries of coal shall be made and where and how stocks of coal shall be stored, having regard to the byelaws, statutory and other regulations governing or purporting to govern such deliveries or such storage where it is expedient to further such deliveries or such storage, and such directions shall have effect notwithstanding any of such byelaws, statutory or other regulations;

(c) at the request of the Local Fuel Overseer provide, as the Controller may direct, for the checking of any particulars relating to any consumer whose premises are within its district in connection with the determination of any allowance of fuel or lighting under the provisions of clauses 6 to 13 hereof inclusive;

(d) as required by the Local Fuel and Lighting Committee, be responsible for and undertake the distribution among registered coal merchants and licensed coal dealers of supplies of coal allocated by the Controller to meet any emergency or temporary shortage within the district.

Appeals to the Controller.

38. There shall be an appeal to the Controller from any decision of the Local Fuel and Lighting Committee upon the application, interpretation or meaning of this Order or of any rules or instructions issued thereunder or upon any question of principle arising thereout.

There shall not be an appeal to the Controller from any decision of the Local Fuel and Lighting Committee upon any question of fact except with the previous assent of the Committee.

Where a Local Fuel and Lighting Committee is not appointed there shall be an appeal to the Controller from any decision of the Local Fuel Overseer from which an appeal to the Local Fuel and Lighting Committee would have been competent if such Committee had been appointed:

Where a Local Fuel and Lighting Committee is not appointed, a decision of a Local Fuel Overseer, required to be taken with the assent or approval of such a committee, shall only be taken with the assent or approval of the Controller.

The decision of the Controller shall be final in every case.

Appointment of Coal Merchants' Supervisor.

39. In each district persons engaged in the coal trade, who shall be registered or licensed in accordance with the terms of this Order, shall within 14 days after request by the Local Fuel Overseer nominate and appoint for the district two representatives to the Local Fuel and Lighting Committee, one of whom shall represent the registered coal merchants and shall be known as the Coal Merchants' Supervisor for the district, and the other of whom shall represent the licensed coal dealers. Such appointments may from time to time be varied, renewed or determined either as may be required by the Controller or as may be

agreed between the persons aforesaid engaged in the coal trade.

If such persons aforesaid shall fail to nominate and appoint such representative or representatives the Local Fuel and Lighting Committee shall appoint in their place a person chosen from among them or one of their then existing salaried servants, who shall act as the Coal Merchants' Supervisor for such district, and if such person shall refuse or fail so to act the Local Fuel and Lighting Committee may appoint any person whom it sees fit to act in his stead. A person appointed by the Local Fuel and Lighting Committee shall not be removed except with the assent of the Committee or at the instance of the Controller.

Where a Local Fuel and Lighting Committee is not appointed under clause 30 hereof the Local Fuel Overseer shall request the nomination and appointment of a Coal Merchants' Supervisor under this clause.

The Coal Merchants' Supervisor shall forthwith notify the Controller and the Local Fuel Overseer for the district of his address and of any change therein from time to time, and all communications in relation to any matters arising under this Order shall be sent to him at such address.

Duties of Coal Merchants' Supervisor.

40. The Coal Merchants' Supervisor shall assist and advise the Local Fuel Overseer at all times upon questions involving persons engaged in the coal trade referred to him or coming to his attention, and in particular at the request of the Local Fuel Overseer shall—

- (1) nominate a coal merchant or dealer to undertake the supply of coal to any consumer within the district whose requisition has not been accepted;
- (2) enquire into and report upon the failure to deliver or delay in the delivery of coal, the execution of orders out of rotation, the failure to secure or maintain any reserve stock appointed, the absence of provision for the sale of coal in small quantities, or any other neglect to comply with the terms of the Order by persons engaged in the coal trade;
- (3) report upon the quality or class of coal supplied to consumers and generally deal with questions requiring expert or special knowledge in connection with coal;
- (4) advise on questions of prices and help in securing the observance of any orders or instructions that may be given relating to the sale of coal;
- (5) report upon the adequacy of the facilities provided by persons engaged in the coal trade for storing, handling, delivering, and retailing coal within the district, and make recommendations for such additions or improvements as he may think necessary and feasible.

Coal Merchants' Supervisor: Reports, returns, etc.

41. The Coal Merchants' Supervisor shall keep such records and make such reports and returns from time to time to the Controller as the Controller may determine.

All records, reports, returns, correspondence, books, papers and documents of the Coal Merchants' Supervisor, relating to any matter arising out of or in connection with this Order, shall be treated as private and confidential and deemed to

be the property of the Controller, and shall be accessible and open at all reasonable times to the inspection of the duly authorized representatives of the Controller, who may make extracts therefrom.

Co-ordination and regulation of cartage facilities.

42. Subject to any directions of the Road Transport Board, the Local Fuel Overseer and the Coal Merchants' Supervisor acting together, or in default of their agreement the Local Fuel Overseer with the assent and approval of the Local Fuel and Lighting Committee may:—

- (a) require the coal merchants or dealers within the district to re-arrange the cartage facilities necessary for the supply and delivery of coal so as to secure the most economical user of such cartage facilities, and require one coal merchant or dealer to undertake the cartage or delivery of coal for another coal merchant or dealer upon such terms as may be determined fairly in relation to the cost of such service but not to the prejudice of such latter merchant's or dealer's trade or business, and in particular prescribe the streets or localities to be served by persons hawking coal in quantities not exceeding 2 cwt. at any time, and prohibit such persons from hawking coal in any other streets;
- (b) where there has been a failure to supply coal in any particular street or locality within the district or where there is an urgent need of coal in any particular street or locality, direct any coal merchant or dealer within the district to make such deliveries of coal in such quantities and in such order or rotation as they think fit in the interests of the consumers, having regard to the requirements of the district as a whole and to the ability of such coal merchant or dealer to make such deliveries.

Except as provided above, the Local Fuel Overseer shall not interfere with the direction or management of the offices or wharves or depots of any coal merchant or dealer, but shall make any representations as to any action which should in his opinion be taken through the Coal Merchants' Supervisor for the district, and on his default, through the Local Fuel and Lighting Committee or the Controller.

Coke, gas and electricity: Co-operation with trade representatives on Committee.

43. Where any of the matters dealt with under clauses 39 to 42 hereof, inclusive, relates to coke to be supplied, sold or delivered from a gas works within the district, the Local Fuel Overseer shall act with the advice and assistance of the representative of the gas works, to be nominated to the Local Fuel and Lighting Committee under clause 30 hereof, who shall for this purpose have the same powers and be subject to the same duties as the Coal Merchants' Supervisor in so far as they are applicable.

In all matters that relate to or affect the supply of gas or electricity under this Order the Local Fuel Overseer shall act with the advice and assistance of the representatives of the gas or electricity companies or undertakings upon the Local Fuel and Lighting Committee, respectively, and such representatives shall for these purposes have the same powers, and be subject to the same

duties as the Coal Merchants' Supervisor in so far as they are applicable.

Where no Committee, trade representatives to be nominated.

44. Where a Local Fuel and Lighting Committee has not been appointed, representatives shall still be nominated by the gas or electricity companies or undertakings, respectively, within any district, to discharge the duties falling on such representatives under clause 43 hereof.

Power to remove Local Fuel Overseers, Coal Merchants' Supervisors, etc.

45. The Controller shall, by any duly authorized representative, have power to inquire into the acts or defaults of any Local Fuel Overseer, Coal Merchants' Supervisor, Local Gas Supervisor or Local Electricity Supervisor, and to call for such reports and to take such action as he thinks fit, and may require the removal of any such person holding office and the appointment or nomination of another in his place without prejudice to any proceedings which may be taken against the person so removed.

Procedure to give effect to Order.

46. The procedure to be adopted and the forms to be used to give effect to this Order shall be such as may be approved by the Controller, who may fix the limits of time within which any steps called for by the procedure shall be completed, and make such other rules and instructions as may be necessary for the purpose and in particular a Local Fuel Overseer may, by notice to any person, require such person within 14 days to comply with the procedure to be laid down in connection with any premises coming within the scope of this Order.

The form of application or requisition for fuel and/or lighting shall not in itself be deemed to constitute a contract for the sale, delivery, purchase or supply of any fuel and/or lighting referred to therein.

The form of application or requisition for fuel and/or lighting and all information contained therein or obtained in connection therewith shall be deemed to be private and confidential and shall not be communicated to any person not requiring for the purpose of the execution of this Order to see such form of application or requisition or to have such information.

PART V.—REGISTRATION AND LICENSING.

Registration and Licensing of Distribution Agencies.

47. After 28 days from the date on which this Order comes into effect, no person shall deal in or sell coal to a consumer in respect of any premises to which this Order applies unless such person dealing in or selling coal is the holder either of a certificate of registration or of a licence issued by the Local Fuel Overseer for the district in which the depot, wharf, office or other premises from which he proposes to deal in or sell coal is situate.

A person carrying on business at more than one address may register with the Local Fuel Overseer an address to which he wishes all communications in relation to this Order or any matters to arise thereunder to be sent and communications sent to

him at such address shall have effect as if they had been sent to all other addresses registered by him in the district of such Local Fuel Overseer.

Provided always that a person who sells or deals in coal by truck to a consumer in respect of any premises to which this Order applies and forwards or arranges for the forwarding of such trucks to stations throughout the country or parts thereof may, on application to the Controller, register with the Controller, and such registration shall be good for the whole area comprised within this Order or any part thereof.

Registration of merchants.

48. Where a person engaged in the coal trade obtains supplies of coal, either from a colliery direct or through a colliery agent or factor, such person shall be entered in a register, and shall take out a certificate of registration for each depot, wharf, office, or other premises owned or controlled by him at which he sells or otherwise deals in coal. Such person is hereinafter referred to as a "registered coal merchant."

Subject to the proviso in clause 47 hereof, colliery proprietors or companies, colliery agents or factors supplying coal direct either to consumers as aforesaid or to persons becoming licensed coal dealers under clause 49 hereof and purchasing their supplies of coal landsale, shall take out a certificate of registration in the district or districts in which their colliery or other depots, wharves or offices are situate and for the purposes of this Order be treated as registered coal merchants.

Gas companies and other persons producing coke for sale or distribution direct either to consumers as aforesaid or to persons becoming licensed coal dealers under clause 49 hereof shall take out certificates of registration for each separate works, depot, wharf or office, at which the coke is sold or otherwise dealt in, and for the purposes of this Order be treated as registered coal merchants.

Licensing of Dealers.

49. Where a person engaged in the coal trade obtains the greater part of his supplies of coal from or through a merchant being a registered coal merchant but not being a colliery, colliery agent or factor, except where such colliery, colliery agent or factor is registered as a coal merchant under clause 48 hereof for landsale supplies, such person shall take out a licence and shall be entered in a separate register. Such person is hereinafter referred to as a "licensed coal dealer."

A person acting as agent for a registered coal merchant and carrying on business in his own name and accepting responsibility for the supplies of consumers as aforesaid but ensuring the delivery of such supplies through such registered coal merchant shall take out a licence as a licensed coal dealer.

Form of application for, and certificate or licence.

50. Every application for a certificate of registration or for a licence shall be in such form as may be prescribed by the Controller, and shall contain a true statement of all particulars specified therein.

Every certificate of registration and every licence shall be in such form as may be prescribed by the Controller, and may be granted and held subject to such conditions as the Controller may from time to time determine.

There shall not be any charge for any certificate of registration or licence.

Refusal, transfer or cancellation of certificate or licence.

51. Where a person has not been engaged in selling or otherwise dealing in coal prior to the 1st January last the Local Fuel Overseer may, with the assent of the Local Fuel and Lighting Committee, refuse a certificate of registration or licence to such person.

Where a person engaged in the coal trade sells or otherwise deals in coal to a less extent on the average than 1 ton in each week the Local Fuel Overseer may refuse a certificate of registration or a licence to such person, or may suspend or cancel any certificate or licence already issued to such person.

Where a person holding a certificate of registration or licence transfers his business or where such business is transferred at death to some other person, such certificate or licence shall on request to the Local Fuel Overseer be transferred into the name of such other person.

Where a person who has received a certificate of registration or a licence under clause 48 or 49 hereof, respectively, has by himself or by his servants failed to observe the terms of this Order or of any rules and instructions made thereunder, or has failed to comply with the directions of the Local Fuel Overseer, the Local Fuel Overseer may, with the assent of the Local Fuel and Lighting Committee, revoke or suspend, for such period as he may think fit, any such certificate or licence, subject to any appeal which may be made to the Controller in this event.

Public notice of registration required.

52. Every person holding a certificate of registration or licence under this Order shall exhibit and keep exhibited in a conspicuous position at the depot, wharf, office, or other premises to which such certificate or licence relates either the certificate or licence or such other notice in a form to be approved by the Controller to the effect that the person is so registered or licensed in respect of such premises.

Where a person carries on business on his own account, not at any fixed address, but by means of hawking in the streets, he shall carry with him such certificate or licence or such other notice as may be prescribed, which shall be produced on demand to a Local Fuel Overseer, Coal Merchants' Supervisor, or anyone duly authorised by the Local Fuel Overseer or by the Controller in that behalf.

Return of premises at which coal is received or delivered.

53. A registered coal merchant shall supply to the Local Fuel Overseer and to the Controller a statement showing the depots, wharves, and other premises at which he receives and from which he delivers coal, so that returns may be obtained as to the quantities of coal supplied to, or delivered from, each such depot, wharf, or other premises, and any other particulars relating thereto which may be required from time to time.

Supplies of coal to licensed coal dealers.

54. A licensed coal dealer shall from time to time declare the source or sources from which he obtains his supplies of coal, and shall not obtain supplies from any source not previously declared by him except on notice to the Local Fuel Overseer.

After 28 days from the date on which this Order comes into effect no person shall supply coal to a coal dealer required by this Order to take out a licence unless such person is satisfied that the coal dealer holds a licence issued under clause 49 hereof, and for this purpose such person may require the licence to be produced.

Miscellaneous exceptions.

55. Auctioneers shall not sell coal except either to persons holding certificates of registration or licences or to such other persons as may previously be agreed by the Local Fuel Overseer.

When the occupier of any premises in respect of which this Order applies is removing to other premises he may dispose of his coal either to the incoming occupier, or to such other person as may previously be agreed by the Local Fuel Overseer.

A certificate of registration or a licence shall not be required for the dealing in or sale of coal within the terms of this clause or in connection with the dealing or sale of coal under a single assessment as defined in clause 12 hereof.

PART VI.—DUTIES OF COAL MERCHANTS AND DEALERS.

Duties as to acceptance of applications for fuel and lighting.

56. A registered coal merchant or licensed coal dealer shall not accept an application for fuel and lighting in respect of coal unless he has a reasonable expectation of being able to discharge all orders to be received under such application or unless he is required to accept such application by the Local Fuel Overseer or the Controller.

A registered coal merchant or licensed coal dealer shall at the request of a consumer accept or refuse an application within a period not exceeding five days, and unless he refuses within that period shall be deemed to have accepted such application.

A registered coal merchant or licensed coal dealer shall not alter an application submitted to him for acceptance in any material particular, nor shall he solicit any consumer to requisition for more coal than that originally stated by such consumer.

Duties as to supplies.

57. A registered coal merchant or licensed coal dealer shall not—

- (a) after 42 days from the date upon which this Order comes into effect or such later date as may be fixed by the Local Fuel Overseer supply or deliver coal to any premises to which this Order applies on behalf of any consumer unless (1) such merchant or dealer is the holder of a certificate issued by a Local Fuel Overseer in respect of such premises of such consumer or (2) the quantity to be supplied or delivered does not exceed 2 cwts. at one time up to a total quantity not exceeding 3 tons 5 cwts. in any period of twelve months, or such other quantity as may be determined from time to time by the Controller, and such consumer has complied with the provisions of clause 13 (a) hereof, so far as applicable.
- (b) after the date on which this Order comes into effect sell, deliver, or in any way supply coal for consumption to any person which together with any quantity of coal

in the possession of such person available for use in connection with any premises would exceed the allowance under clauses 6 to 13 hereof, inclusive, for such premises. Provided always that prior to the determination of any allowance under clause 11 hereof, for premises used as a dwelling-house, the allowance in respect of such premises shall be deemed not to exceed 20 tons.

Record of all deliveries to be kept.

58. Every registered coal merchant or licensed coal dealer shall keep at the office or depot at which orders are received and dealt with by him under any certificates, a record in a form to be approved by the Controller of all such certificates, and shall enter on such record against such certificates the dates and quantities of all coal sold, supplied or delivered by him in respect of any such orders.

The record and all orders, receipts or vouchers for the supplies or deliveries of coal, together with the books and accounts of such merchant or dealer, shall be open to the inspection, at all reasonable times, of the Local Fuel Overseer or of the Controller or of any person duly authorised by either of them.

Amendments may only be made on such record with the assent of the Local Fuel Overseer or the Controller or their duly authorised representatives. Mistakes which are corrected shall be shown on the record and evidence in support of the alteration afforded.

Exchange of applications by merchants, etc.

59. Where a registered coal merchant or licensed coal dealer receives an application for fuel and lighting for acceptance in respect of coal which, in his opinion, could be best executed by transfer to another registered coal merchant or licensed coal dealer, he may transfer such application, before acceptance, to such other registered coal merchant or licensed coal dealer who is willing to accept the same, and such other registered coal merchant or licensed coal dealer is hereby authorised to accept such application and to execute any orders received and complete the supplies required under any certificate issued thereunder.

A certificate for supply issued by the Local Fuel Overseer under a requisition may only be transferred with the assent of the Local Fuel Overseer.

The Local Fuel Overseer may, with the assent of the Coal Merchants' Supervisor for the district, or of the Local Fuel and Lighting Committee, require any delivery of coal to consumers within his district to be transferred from one depot to another within the district or from one registered coal merchant or licensed coal dealer to another within such district as may be most convenient for the delivery of the same, and in such latter case the requisition or certificate thereunder shall be transferred to the registered coal merchant or licensed coal dealer required to execute it, and he shall execute any orders received thereunder equitably in rotation with any other orders that he may have at the date of transfer.

Small sales of coal at depots.

60. Every registered coal merchant or licensed coal dealer shall, if required by the Local Fuel

Overseer with the approval of the Local Fuel and Lighting Committee, provide and thereafter maintain at each of his depots adequate provision for the sale of coal by retail in quantities not exceeding 1 cwt. (but not less than $\frac{1}{2}$ cwt.) at one time.

Limit to tonnage to be delivered at one time.

61. Every registered coal merchant or licensed coal dealer shall comply with such restrictions upon the quantity of coal to be delivered at one time to consumers, in respect of any premises to which the provisions of this Order apply, as may be determined from time to time by the Local Fuel Overseer with the assent of the Local Fuel and Lighting Committee and such restrictions shall be determined as may be necessary to secure the equitable distribution of the available supplies of coal among all consumers as aforesaid.

Deliveries to be in rotation in summer months.

62. Every registered coal merchant or licensed coal dealer shall, as far as possible and subject to any special requirement of this Order or instruction of the Local Fuel Overseer, during the period from the 1st May to the 31st October in any year, make deliveries of coal in rotation to all consumers, in respect of any premises to which the provisions of this Order apply, in accordance with the dates of their respective orders, without variation except in so far as may be necessary to make up full loads for delivery.

Deliveries to be according to needs in winter months.

63. Coal shall not be delivered by a registered coal merchant or licensed coal dealer during the period from the 1st November to the 30th April in any year to any consumer in respect of any premises to which the provisions of this Order apply, where the existing stock of coal in the possession of such consumer in respect of such premises exceeds his requirements for the next succeeding month as determined under clause 9 hereof, so long as any orders for coal of such merchant or dealer on behalf of other consumers remain unexecuted in respect of premises where the existing stock of coal in the possession of such other consumers is less than sufficient for the next succeeding month.

Priorities in delivery.

64. The Controller may determine such priorities in the delivery of coal in quantities exceeding 2 cwts. at one time either in respect of certain classes of consumers or in respect of certain classes of buildings as he may think fit in the public interest, and may make rules accordingly.

Merchants Reserve Stocks.

65. Every registered coal merchant shall be required to hold such minimum stock of coal at each of his depots and for such period of time as may be required by the Local Fuel Overseer with the approval of the Local Fuel and Lighting Committee or by the Controller, and if at any time within such period he shall not hold stock in excess of such minimum stock, he shall not sell or deliver any coal except (a) to a consumer in such quantity as may be determined by the Local Fuel Overseer, as the maximum to be sold at one time or in respect of one purchase or transaction, (b) to a licensed coal dealer for re-sale to con-

sumers on similar conditions, or (c) to such persons and in such quantities as the Local Fuel Overseer may direct.

Pooling of stocks.

66. With the assent of the Local Fuel Overseer the registered coal merchants may establish a common stock on behalf of them all or of some of them and may agree the terms and conditions to be applied to the provision and use of such stock.

In an emergency the Local Fuel Overseer may require stocks to be pooled, but not so as to prejudice the trade of any one merchant, and may determine with the assent of the Local Fuel and Lighting Committee the terms and conditions under which such pooling shall take place.

Returns by merchants and dealers.

67. A registered coal merchant or licensed coal dealer shall make such returns and reports to the Local Fuel Overseer or the Controller as the Controller may from time to time direct.

A registered coal merchant or licensed coal dealer shall afford the Coal Merchants' Supervisor such particulars as he may require for the purpose of discharging his duties under this Order.

Deliveries to be made to instructions of Local Fuel Overseer.

68. A registered coal merchant or licensed coal dealer shall make such deliveries as the Local Fuel Overseer may direct, and shall observe any directions and instructions of the Local Fuel Overseer, under the terms of this Order.

In addition to the powers conferred on the Local Fuel Overseer by clauses 42 and 59 hereof, relating to deliveries, the Local Fuel Overseer may nominate, with the assent of the Coal Merchants' Supervisor or the Local Fuel and Lighting Committee, a coal merchant or dealer for his district or any part thereof, who shall undertake the delivery of any supply of coal in an emergency to any consumer when other arrangements cannot be made.

Offence to supply small quantities when other provision made.

69. A registered coal merchant or a licensed coal dealer shall not knowingly sell, supply or deliver coal to a consumer in quantities of 2 cwts. or less when such consumer is obtaining supplies under a requisition, whether accepted by such merchant or dealer or by another merchant or dealer. Further, a registered coal merchant or licensed coal dealer may require a consumer attempting to acquire coal in quantities of 2 cwts. or less to declare the stock of coal in his possession, and where such stock exceeds 10 cwts. shall refuse to supply or deliver coal to such consumer in such quantities.

Reserve stocks of Licensed Coal Dealers.

70. The Local Fuel Overseer may with the approval of the Local Fuel and Lighting Committee determine the stocks to be held by licensed coal dealers so as to ensure their continuance in business at all times, but in exercising this power regard shall be had to the circumstances and ability of the licensed coal dealer to make and hold such stock, and in no case shall such stock exceed 50 tons without the licensed coal dealer's assent.

Truck deliveries to private consumers.

71. A registered coal merchant or licensed coal dealer selling, supplying or delivering coal by truck to a consumer in respect of any premises to which this Order applies, must give previous notice thereof to the Local Fuel Overseer of the district to which the coal is to be forwarded and such notice shall give full particulars as to the name and address of the person to be supplied, the premises in respect of which the supply is to be made, and the extent of the supply. Upon receipt of such notice the Local Fuel Overseer shall either assent to or refuse to permit such supply to be made.

The Local Fuel Overseer may in his discretion refuse to permit such supply to be made by the truck (a) in any case during the period from the 1st October to the 30th April in any year; and (b) in any case, in which there has not been a previous practice for coal to be so supplied, during the period from the 1st May to the 30th September in any year.

All persons owning or having power to dispose of coal, which has been or is being consigned by truck to a consumer as aforesaid, and in respect of which no assent has been given under this clause, shall, if required by the Local Fuel Overseer of the district in which such coal may be, hold such coal at the disposal of such Local Fuel Overseer to be applied as he shall direct. The terms upon which such coal shall be disposed of shall be determined by agreement or in default, settled by a single arbitrator to be appointed by the Controller.

Advertising or touting prohibited.

72. A registered coal merchant or licensed coal dealer or anyone acting on his behalf shall neither advertise nor tout nor canvass for customers or orders, except to such extent as may be permitted by the Local Fuel Overseer or the Controller; and shall not send a form of application to any consumer who has not asked for the same or who has not since the 1st January 1917 been supplied with coal by such merchant or dealer; and shall not use the forms supplied by the Local Fuel Overseer or by the Controller for the furtherance of his trade, except in accordance with the procedure laid down under this Order.

This clause shall not have effect with regard to existing advertisements so long as no renewed or extended arrangement is entered into; nor shall it have any effect with regard to signs or notices on an office or shop or wharf or depot belonging to or in the occupation of such merchant or dealer for the purposes of his business or trading in coal, or on any vehicle or other equipment used by him for the purposes of his business; nor shall it have any effect in relation to notices of prices to be charged for coal or to notices relating to any of the provisions of this Order.

PART VII.—DUTIES OF UNDERTAKERS OF GAS AND ELECTRICITY SUPPLIES AND OTHER CLAUSES APPLICABLE THERETO.

Certificates for new or increased supplies to be returned to Local Fuel Overseer.

73. Where gas or electricity is being supplied at the date when this Order comes into effect to any premises by a company or undertaking offering a supply to the public for reward, such company or undertaking shall be deemed to have

accepted the application in respect of the supply of gas or electricity to such premises without further formality, and shall continue such supply.

A company or undertaking supplying or offering to supply gas or electricity for reward (hereinafter referred to as an "undertaker of gas or electricity supply") shall on receipt of a certificate from the Local Fuel Overseer for a supply of gas or electricity to any consumer in excess of his previous consumption, unless it is able to make such additional supply without prejudice to its other consumers or unless it is required by the Local Fuel Overseer to make such additional supply, return such certificate to the Local Fuel Overseer who shall require such consumer to reduce the extent to which he proposes to consume gas or electricity.

Relief from obligation to supply.

74. When an undertaker of gas or electricity supply is by reason of the provisions of this Order prevented from making a supply or from making a full supply to any consumer it shall to that extent be relieved of any obligation resting upon it by statute or otherwise from making such supply.

Records and returns.

75. An undertaker of gas or electricity supply shall keep such records of its supplies to consumers as the Controller may require, and such records, together with any orders, receipts, or vouchers for such supplies, and the books and accounts of such undertaker shall be open at all reasonable times to the inspection of the Local Fuel Overseer of the district in which the premises of any such consumer are situate, or of the Controller, or of any person duly authorized by either of them.

Further, an undertaker of gas or electricity supply shall make such returns to the Local Fuel Overseer or the Controller as the Controller may from time to time direct for the purposes of this Order.

Meter readings.

76. An undertaker of gas or electricity supply shall take readings of the meters of all consumers not less frequently than once in each quarter, and such other meter readings as, in the opinion of the Controller, may be found necessary to ensure the observance of the restrictions on consumption laid down in this Order.

For the purposes of any accounts and returns required under this Order the meter readings for each quarter shall be taken as nearly as possible to the quarter days set out in clause 5 hereof. The system of taking meter readings shall as far as possible proceed according to some regular arrangement each quarter, so that the interval between the readings of the meter of any one consumer shall be approximately three months.

The meter readings shall, for the purposes of this Order, be *prima facie* evidence of the quantity of gas or electricity consumed.

Restrictions on fitting and equipment of premises.

77. An undertaker of gas or electricity supply shall not, after the date on which this Order comes into effect, without the previous assent of the Local Fuel Overseer, make any new connection for the purpose of the supply of either lighting or fuel, nor shall it fit or equip or permit or

authorize to be fitted or equipped any premises with additional appliances for the purpose of using gas or electricity for fuel without such assent. This clause shall extend to any other persons undertaking the fitting or equipping of premises with appliances for the use of gas or electricity for fuel.

Removals; failure to give notice.

78. When a consumer fails to give notice of removal as required by clause 20 hereof, he shall be assumed to have consumed the gas and/or electricity shown by the next meter readings after his removal.

Quarterly return of excess consumption.

79. An undertaker of gas or electricity supply shall, not later than six weeks after the close of any quarter, make a return to the Local Fuel Overseer for each district in which it makes supplies showing for each consumer in such district the excess supply (if any) which such consumer has taken in such quarter for any premises in his occupation over the allowance or proportionate part thereof for such premises in accordance with the provisions of clause 19 (d) and (e) hereof.

In calculating such excess supply due allowance shall be made for the interval which has actually accrued between the meter readings for that and the previous quarter. Due allowance shall also be made for any consumption less than the allowance in any previous quarter of the year commencing the 1st October.

Reserve stocks of Coal. Gas and electricity undertakers.

80. An undertaker of gas or electricity supply shall maintain such reserves of coal for the purposes of its undertaking as the Controller may determine, and shall report to the Local Fuel Overseer or Overseers concerned and to the Controller any failure on its part to maintain such reserves.

The Controller may in such event direct such general reduction or limitation in the supply of gas or electricity to consumers as he may deem necessary to provide against a failure of supply.

PART VIII.—THE SALE OF COAL.

Maximum prices to be fixed.

81. The Local Fuel and Lighting Committee, with the approval of the Controller, may from time to time determine the maximum prices for coal to consumers, but in determining such maximum prices only those members of the Committee who are defined as independent members in clause 30 hereof shall vote upon any question coming up for decision.

Principles to be observed in fixing maximum prices.

82. In determining the maximum prices for coal to consumers the following principles shall apply:—

- (a) Coal shall be divided into classes or qualities which shall, as far as possible, follow the usual custom or practice of the trade, and coal shall only be sold or dealt in in accordance with the classes or qualities so established unless the Controller shall

require the coal to be mixed or sold in a particular way, in which case the prices shall relate to the coal as sold under such requirement. Where coal is sold under a registered or trade name such name may only be added in brackets, after the description of the class or quality.

- (b) Separate prices shall be fixed for sales in quantities of 1 ton and over, under 1 ton but not less than 4 cwts., and under 4 cwts.
- (c) Separate prices shall be fixed to accord with the conditions and circumstances attaching to the sale or delivery of the coal.

Directions of Controller as to prices.

83. The Local Fuel and Lighting Committee shall observe any directions of the Controller in determining the maximum prices for coal.

Coal for resale included.

84. Where coal is sold for resale, the maximum prices for such coal at every stage shall be determined under this Order, in so far as they are not already determined by the Wholesale Coal Prices Order, 1917.

Maximum prices and terms to be observed.

85. Coal shall not be sold to, or purchased by, consumers at prices exceeding the maxima so determined, nor shall any charges be made or paid by any person under any pretext for special services rendered to consumers where such services have been brought into reckoning in determining the maximum prices.

Restricted deliveries under order to be paid for as delivered.

86. When coal is delivered in restricted quantities, in consequence of any of the provisions of this Order, such coal shall be charged and paid for at the price appropriate to the quantity delivered, and shall not, unless the consumer so desires, be deemed to be a part delivery in fulfilment of any then outstanding order for a larger quantity.

Coal to be sold by weight.

87. Every sale of coal to which the provisions of this Order apply shall be by weight, except that coke may, with the assent of the Local Fuel and Lighting Committee, be sold by measure in quantities of 1 cwt. or less, where such has been the previous practice.

Purchases and sales to be unconditional.

88. No conditions involving the purchase of any other article or any other payments than those permitted under this Order shall attach to a sale of coal. Where by reason of special circumstances attaching to any delivery or supply of coal the merchant or dealer is of opinion that the cost of such delivery or supply warrants an additional charge, he may apply to the Local Fuel and Lighting Committee to have an additional charge per ton or per cwt. determined in respect of such delivery.

Maximum prices for coke at all stages.

89. Maximum prices for coke to consumers shall be fixed in relation to the maximum prices for coal, and this Order shall extend to the fixing

of maximum prices for coke at all stages from the point of manufacture to the point of consumption. Clauses 81 to 88 hereof, inclusive, shall apply.

Public notice of current or maximum prices.

90. A notice in a form to be approved by the Controller, of the maximum prices determined for any district or such less prices as may be charged, shall be exhibited and kept exhibited in a conspicuous position in all offices or other places at which orders for the sale or delivery of coal are received and in the office or offices to be established under clause 29 hereof.

The charging of prices in accordance with such notice shall be *prima facie* evidence that such charging of prices is approved and that the prices charged are correct.

Prices to be exhibited by hawkers and trolley men.

91. Subject to any byelaw of any Local Authority, no person being the owner of or employed in connection with or in charge of a vehicle offering for sale from such vehicle coal in quantities not exceeding 2 cwts., shall sell or offer for sale such coal unless there shall be affixed on prominent and conspicuous parts of such vehicle so as to be visible on both sides thereof, metal tablets on which shall be clearly marked in a permanent and legible manner the price per cwt. at which the coal is offered for sale, and such person shall not alter, deface, remove or exchange such figure or figures except at the place of loading or at the office of his employer; and no person in charge of a vehicle to which is affixed a metal tablet as above shall on a sale of any such coal charge to the purchaser any price greater than that marked on the said metal tablet.

Coal of one class or quality only shall be sold upon such a vehicle except with the previous assent of the Local Fuel Overseer, which assent shall not be unreasonably withheld.

Coal to be paid for on delivery.

92. Any coal to be supplied under this Order shall be paid for on or before delivery if the registered coal merchant or licensed coal dealer so requires.

Evidence in support of price required, where coal is hawked.

93. Any person selling or dealing in coal in quantities not exceeding 2 cwts. may be required to produce evidence to show that the coal, which he is selling or dealing in, is of a class or quality entitling him to charge the prices which he is demanding, and for this purpose shall, on the request of a Local Fuel Overseer, Coal Merchants' Supervisor or other authorised representative of the Controller, or on the request of the purchaser, produce a sale ticket or loading ticket, as provided in the next paragraph, or produce the invoice relating to the purchase of coal by him from the colliery or factor.

A receipt must be taken for, and a sale ticket or loading ticket must be given with every supply of coal by a registered coal merchant to a licensed coal dealer, stating the class or quality of the coal supplied and the price paid therefor or applicable thereto. This provision shall also apply to any servant employed by any registered coal merchant in the sale or delivery of coal in quantities of 2 cwts. or less at one time.

This provision shall not apply to coke unless expressly so required by the Local Fuel Overseer.

Evidence in support of correctness of any charges required.

94. A purchaser of coal may require the seller to produce evidence as to the correctness of the charges made by him in accordance with this Order. A Local Fuel Overseer, Coal Merchants' Supervisor or any authorised representative of the Controller may require any person selling or dealing in coal to satisfy him as to the correctness of the prices exhibited by such person, or as to the prices charged or proposed to be charged for any supply or delivery, or as to the quantity of coal contained in any bag or other receptacle or load being offered for sale or being delivered.

PART IX.—GENERAL.

Offences—Defence of the Realm Regulations.

95. Any person who contravenes any of the provisions of this Order or who neglects or fails to comply with any requirement or obligation imposed on him by or in virtue of this Order, or who in any application, requisition, return, report or other document in pursuance of or for the purposes of this Order knowingly makes any false statement shall be guilty of a summary offence against the Defence of the Realm Regulations.

Readjustment of coal or coke where gas or electricity consumed in excess.

96. Where a consumer shall have taken in connection with any premises more gas or electricity in any period than the quantity allowed under the terms of this Order, calculated in accordance with clause 9 hereof, the Local Fuel Overseer may, in his discretion, call in any certificate of supply in respect of such premises relating to coal or coke, and may cancel such certificate and issue in its place a new certificate for such quantity of coal or coke as represents the quantity due to such consumer after the conversion of such excess quantity of gas or electricity consumed into coal or coke and its deduction from the balance of the original quantity of coal or coke shown in such certificate.

Where such consumer shall have obtained all the coal or coke due to him under such certificate the Local Fuel Overseer may similarly reduce the allowance of coal or coke of such consumer for any future period.

Power to cut off supplies from consumers.

97. Any undertaker of gas or electricity supply may, and at the request of the Local Fuel Overseer, with the approval of the Local Fuel and Lighting Committee, shall cut off the supply to any consumer in respect of any premises at which more than the amount allowed has been consumed in any period or prior to the conclusion of such period, and shall restore such supply on

such terms and conditions as may be necessary to secure the observance of the restrictions on consumption laid down in this Order.

An undertaker of gas or electricity supply may for the purposes of this clause enter upon the premises of such consumer, and any costs to be incurred in connection with the cutting off or restoration of any supply of gas or electricity shall be borne by such consumer.

Any action taken under this clause shall be without prejudice to any proceedings which may be taken against such consumer for failure to observe the terms and provisions of this Order.

Contracts affected by terms of Order.

98. Where by reason of any compliance with the provisions of this Order the fulfilment of any contract by any party thereto is interfered with, the necessity of complying with the provisions of this Order shall be a good defence to any action or proceeding taken against such party in respect of the non-fulfilment of such contract so far as it is due to such interference.

Repeals of Previous Orders.

99. The Retail Coal Prices Order, 1917, dated the 11th September 1917, and made by the Board of Trade is hereby cancelled in respect of all sales of coal coming within the scope of this Order, but the maximum prices fixed by Local Authorities under such Order shall remain in force until revised or withdrawn in accordance with the provisions of this Order.

Copies of Order to be open to inspection.

100. A copy of this Order shall be open to inspection at every office or coal depot at which a registered coal merchant or licensed coal dealer receives orders for the sale or delivery of coal and at every office to be established under the provisions of clause 29 hereof.

Short Title.

101. This Order may be cited as the Household Fuel and Lighting (Scotland) Order, 1918, and shall be read in conjunction with the Local Authorities (Fuel and Lighting) (Scotland) Order, 1918, of even date herewith.

Date of operation.

102. Subject to the provision of clause 4 hereof, this Order shall come into effect on the 1st October 1918, but it shall be competent for any measures to be instituted under Parts IV. and V. hereof before that date.

W. F. MARWOOD,

A Secretary to the Board of Trade.

Board of Trade,

7 Whitehall Gardens, London, S. W. 1.

Dated 18th September 1918.

Published at the EXCHEQUER CHAMBERS, Parliament Square, Edinburgh.

Printed by MORRISON & GIBB LTD., Printers to His Majesty's Stationery Office, Tanfield.

* * * This Gazette is filed at His Majesty's Stationery Office, London, and at the Office of the Dublin Gazette.

Saturday, September 21, 1918.

Price Ninepence.