

[26 GEO. 5. &  
1 EDW. 8.]

*South Metropolitan  
Gas Act, 1936.*

[Ch. cv.]



## CHAPTER cv.

An Act to extend the limits of supply of the South Metropolitan Gas Company and for other purposes. [31st July 1936.]

A.D. 1936.

**W**HEREAS the South Metropolitan Gas Company (in this Act referred to as "the Company") were incorporated by an Act passed in the year one thousand eight hundred and forty-two and under the provisions of that Act and subsequent enactments and schemes of amalgamation confirmed by Orders in Council relating to the Company and their undertaking the Company are supplying gas in a large part of the county of London on the south side of the river Thames and in parts of the counties of Surrey and Kent :

5 Vict.  
sess. 2.  
c. lxxix.

And whereas the Company have for many years supplied gas in an area which was formerly part of the parish of Mottingham in the rural district of Bromley and is now by virtue of the Kent Review Order 1934 part of the urban district of Chislehurst and Sidcup but it does not appear that the area is comprised within the limits of supply of the Company and it is expedient that such limits of supply should be extended as by this Act provided :

And whereas there are certain divergencies between the provisions contained in the South Metropolitan Gas Act 1920 and those contained in the Gas

10 & 11  
Geo. 5.  
c. lxxi.

[Price 4d. Net]

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A.D. 1936. Regulation Act 1920 relating to the quality of gas and  
 — it is expedient that the provisions of the former Act  
 10 & 11 should be made uniform with the latter Act as by this  
 Geo. 5. c. 28. Act provided :

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

And whereas the objects aforesaid 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) :—

Short title.

1. This Act may be cited as the South Metropolitan Gas Act 1936.

Interpre-  
tation.

2. In this Act the several words and expressions to which meanings are assigned by the Gas Undertakings Acts 1920 to 1934 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

“ the Company ” means the South Metropolitan Gas Company ;

“ the directors ” means the directors of the Company ;

“ the existing limits ” means the limits of supply as existing immediately before the passing of this Act ;

“ the added limits ” means the area added by this Act to the existing limits ;

“ the limits of supply ” means the limits of the Company from time to time for the supply of gas ;

“ the Act of 1920 ” means the South Metropolitan Gas Act 1920 ;

“ the declared calorific value ” means the calorific value of the gas which the Company are for the time being bound to supply under the Act of 1920 or under any declaration in force under the provisions of this Act. A.D. 1936.  
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**3.**—(1) On and after the passing of this Act the limits of the Company for the supply of gas shall extend to and include in addition to the existing limits that part of the urban district of Chislehurst and Sidcup situate on the north-west side of the centre of Elmstead Lane which prior to the Kent Review Order 1934 constituted part of the parish of Mottingham in the rural district of Bromley. Extension  
of limits.

(2) Subject to the provisions of this Act the Company shall have and may exercise within the added limits all and the like powers rights privileges and authorities and be subject to all and the like duties and obligations as they now have and are subject to within the existing limits.

**4.** The provisions of section 24 (For protection of Metropolitan Water Board) of the South Metropolitan Gas Act 1928 shall extend and apply to the added limits as if that section had been re-enacted in this Act. For protec-  
tion of Metro-  
politan Water  
Board.  
18 & 19 Geo. 5.  
c. xxv.

**5.** For the protection of the West Kent Main Sewerage Board (in this section referred to as “ the board ”) the following provisions shall unless otherwise agreed in writing between the Company and the board apply and have effect with regard to the laying within the added limits of any mains pipes or apparatus of the Company other than service pipes (in this section referred to as “ apparatus ”) within a distance of twelve feet from any sewer of the board (that is to say):— For pro-  
tection of  
West Kent  
Main Sewer-  
age Board.

(1) The apparatus shall be so laid as not to reduce the discharging power of any sewer and the Company shall so carry the apparatus over or across or under any sewer as not to injure the same nor alter the level of the invert of any sewer nor reduce the internal height thereof nor diminish its internal discharging capacity :

A.D. 1936.

(2) The Company shall not commence any such works until they shall have given to the board seven days' previous notice in writing of their intention so to do by leaving such notice at the principal office of the board with a plan and section showing the position in which it is proposed to lay the apparatus and if the board shall signify their approval of such plan and section or shall fail for a period of seven days after such submission to signify their approval or disapproval thereof the work shall be carried out by the Company in accordance with such plan and section Provided that if the board within the said period shall have expressed their disapproval of the said plan and section the Company shall not commence to lay the apparatus unless and until agreement upon an alternative scheme has been reached between the parties or a plan and section showing the position in which the apparatus is to be laid shall have been settled by an engineer to be agreed upon or failing such agreement to be appointed on the application of either of the parties in difference by the President of the Institution of Civil Engineers :

(3) In laying the apparatus the Company shall comply with and conform to all reasonable directions of the board and shall provide in such manner as the board shall reasonably require for the proper protection of and for preventing injury or impediment to the sewer by reason of the apparatus of the Company or any part thereof and shall save harmless the board against all and every expense to be occasioned thereby.

Ascertain-  
ment of  
therms  
supplied.  
22 & 23 Vict.  
c. 66.

6.—(1) Notwithstanding anything contained in section 2 of the Sale of Gas Act 1859 the standard or unit of measure for the sale of gas by the Company shall be the therm and the number of therms supplied by the Company to any consumer shall be ascertained either—

(a) in the case of a meter which registers in cubic feet the quantity of gas passed through the

meter by multiplying the number of cubic feet so registered by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand; or

A.D. 1936.

- (b) from the register of a meter which by means of a train of toothed wheels appropriate to the declared calorific value of the gas and geared to a cubic foot index dial registers in terms of therms and multiples and fractions thereof the quantity of gas passed through the meter :

Provided that any consumer may at any time require that the number of therms supplied by the Company to him shall be ascertained in accordance with the provisions of paragraph (b) of this subsection.

(2) In any case in which the Company desire or any consumer requires that the number of therms supplied by the Company should be ascertained in accordance with paragraph (b) of subsection (1) of this section section 6 of the Weights and Measures Act 1904 shall apply but the pattern for which the certificate shall be given shall in addition to the cubic foot index dial bear on or attached to the dial plate the word "therms" and a statement of the calorific value for which it may be used and any meter made in accordance with such pattern if duly stamped under the authority of the Sale of Gas Act 1859 as amended by the Gas Regulation Act 1920 shall be considered as a meter duly stamped for the supply of gas of the calorific value stated thereon but not otherwise.

4 Edw. 7.  
c. 28.

(3) Nothing in this section shall derogate from the powers and duties of the Board of Trade under section 12 of the Gas Regulation Act 1920.

7. If at any time the Company intend to alter the declared calorific value in the whole or any part of the limits of supply the Company shall by advertisement in the London Gazette and by notice in writing to the Board of Trade to the London County Council and to the council of each metropolitan borough and urban district within or partly within the limits of supply or such part of the limits of supply as the case

Variation of  
declared  
calorific  
value.

A.D. 1936. — may be declare their intention to supply within the limits of supply or such part thereof as may be specified in such notice at the expiration of three months from the date of such notice or at such later date as may be specified in such notice gas of such calorific value as may be declared in such advertisement and notice and the calorific value as so declared by the Company shall thereafter be the declared calorific value for the purposes of this Act within the limits of supply or such part thereof as may be specified in such notice unless and until varied by subsequent declaration under the provisions of this Act.

Consumers'  
burners.

8. If and so often as the Company shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

As to  
adjustment  
of meters  
registering  
therms.

9.—(1) If and so often as the Company shall alter the declared calorific value they shall at their own expense effect such alteration adjustment or replacement of any meter to which subsection (2) of the section of this Act of which the marginal note is "Ascertainment of therms supplied" applies as may be necessary to secure that such meter registers correctly at the altered calorific value.

(2) Before any such alteration of the declared calorific value is made by the Company they shall cause to be affixed to the front of any such meter a printed notice to the effect that as from such date specified in the notice until such meter has been altered adjusted or replaced a calculation (to be explained in the notice) is necessary to determine the number of therms supplied by the Company through such meter.

(3) In respect of the period between the date of the alteration of such calorific value and the date of the alteration adjustment or replacement of any such meter a proportionate allowance shall be made to or

[26 GEO. 5. &  
1 EDW. 8.]

*South Metropolitan  
Gas Act, 1936.*

[Ch. cv.]

a proportionate surcharge shall be made upon the consumer by the Company and such allowance or surcharge shall be paid to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in like manner as charges for gas are recoverable by the Company : A.D. 1936.

Provided that the payment to be made by the consumer for gas supplied to him in respect of the period between the last reading of the meter before such alteration of declared calorific value and the first reading of the meter after such alteration shall—

- (a) in the case of an increase of declared calorific value be calculated according to the number of therms registered by the meter as consumed during such period ; and
- (b) in the case of a decrease of declared calorific value be calculated upon the number of therms that would have been so registered by the meter during such period had the meter been correctly adjusted for such decreased calorific value at the time of such last reading.

(4) The Board of Trade shall not decline to give a certificate under section 6 of the Weights and Measures Act 1904 on the ground that any such meter would register incorrectly in respect of the period between the date of the alteration of such calorific value and the date of the alteration adjustment or replacement of such meter.

**10.** The minimum pressure of gas supplied by the Company shall in any main or in any pipe laid between the main and the meter having an internal diameter of two inches or upwards be such as will balance a column of water not less than two inches in height : Pressure  
of gas.

Provided always that—

- (a) whenever the declared calorific value is less than three hundred and fifty British thermal units the minimum pressure of the gas supplied by the Company in any such main or pipe shall be such as will balance a column of water not less than two and a half inches in height ; and

A.D. 1936.  
—

(b) whenever the declared calorific value is less than three hundred British thermal units the minimum pressure of gas supplied by the Company in any such main or pipe shall be such as will balance a column of water of such height not being less than three inches as shall be prescribed by the gas referees.

As to application of section 20 of Gasworks Clauses Act 1871 to meters registering therms.  
34 & 35 Vict. c. 41.

**11.** In its application to any meter to which subsection (2) of the section of this Act of which the marginal note is "Ascertainment of therms supplied" applies section 20 of the Gasworks Clauses Act 1871 shall be read and have effect as follows:—

The register of the meter shall be prima facie evidence of the number of therms supplied and in respect of which any rent is charged and sought to be recovered by the undertakers. Provided always that if the undertakers and the consumer differ as to the number of therms supplied such difference may be determined upon the application of either party by two justices who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

Amendment of sections 17 and 24 of Act of 1920.

**12.**—(1) Section 17 (Price of gas) of the Act of 1920 shall be read and have effect as follows:—

The basic price for gas supplied under the powers of this Act shall be eleven pence for each therm and that price is in this Act referred to as "the basic price."

(2) Section 24 (Receipts for prepayment meter charges) of the Act of 1920 shall be read and have effect as follows:—

The Company shall clearly show on each receipt for a payment for gas supplied by means of a prepayment meter the rate per therm charged for the gas and the rate in respect of the meter and the fittings (if any) used therewith.

Additional director.  
60 & 61 Vict. c. iv,

**13.**—(1) Subject to the provisions of section 2 (Qualification of directors) of the South Metropolitan Gas Act 1897 and of section 16 (As to directors) of



[26 GEO. 5. &  
1 EDW. 8.]

*South Metropolitan  
Gas Act, 1936.*

[Ch. cv.]

the South Metropolitan Gas Act 1921 the directors may appoint an additional director of the Company and for this purpose the number of directors limited by section 16 (Directors of the United Company and compensation for loss of office) of the scheme amalgamating the Company with the Surrey Consumers' Gas Company confirmed by Order in Council of the twenty-eighth day of October one thousand eight hundred and seventy-nine as increased by section 5 (Additional directors in certain cases) of the South Metropolitan Gas Act 1925 may be further increased to allow of such appointment.

A.D. 1936.  
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11 & 12  
Geo. 5. c. iv.

(2) Any such additional director may be appointed for such period as the directors think fit and shall not be subject to retirement by rotation and the directors at any time may remove or dismiss any such additional director from office and may appoint another in his place.

15 & 16  
Geo. 5.  
c. xlix.

(3) If and so long as any person is holding office as a director of the Company by virtue of the provisions of this section such person shall receive the same remuneration as any other ordinary director of the Company and the sum payable as the remuneration of the directors shall be deemed to be increased accordingly.

14. It is hereby declared that the number of persons being employees' directors elected pursuant to the provisions of section 19 (Scheme may be made for representation of employees in the management of the Company) of the South Metropolitan Gas Act 1896 shall be in addition to the number of directors limited by section 16 (Directors of the United Company and compensation for loss of office) of the scheme amalgamating the Company with the Surrey Consumers' Gas Company confirmed by Order in Council of the twenty-eighth day of October one thousand eight hundred and seventy-nine as increased by section 5 (Additional directors in certain cases) of the South Metropolitan Gas Act 1925 and by this Act.

Employees'  
directors to  
be addi-  
tional to  
ordinary  
directors.  
59 & 60 Vict.  
c. cxxvi.

15.—(1) The Company may with the consent of the consumer in writing charge him for the hire of a prepayment meter with fittings to be used therewith a sum of money which is not calculated in accordance

As to pre-  
payment  
meter  
charges.

A.D. 1936.  
—  
22 & 23  
Geo. 5.  
c. lxxxiii.

with the provisions of section 14 (Prepayment meter charges) of the South Metropolitan Gas Act 1932 and in such case the Company may make a separate periodical charge as if such prepayment meter were an ordinary meter Provided that—

- (a) Before obtaining the consent of any consumer under this subsection the Company shall supply to the consumer a statement in writing of his right to be charged for the hire of a prepayment meter and fittings to be used therewith in accordance with the provisions of section 14 of the South Metropolitan Gas Act 1932 as an alternative to the method of charge authorised by this subsection and a summary of the provisions of the said section 14 shall be set out in such statement;
- (b) Any periodical charge made by the Company under this subsection shall include the providing letting fixing repairing and maintenance of the prepayment meter and of the fittings to be used therewith and the cost of collection inspection and any other cost incurred by the Company in connection with the prepayment meter and fittings.

(2) Section 24 (Receipts for prepayment meter charges) of the South Metropolitan Gas Act 1920 shall apply as if any periodical charge made by the Company under subsection (1) of this section were the rate in respect of the meter and the fittings used therewith referred to in the said section 24.

(3) In this section the expressions “prepayment meter” and “fittings” respectively have the same respective meanings as in the said section 14 of the said Act of 1932.

Repeal.  
24 & 25  
Geo. 5.  
c. xxiii.

**16.**—(1) The following provisions of the Act of 1920 and the South Metropolitan Gas (No. 2) Act 1934 are hereby repealed (that is to say):—

The Act of 1920—

Section 2 (Interpretation) except so much thereof as refers to “the Act of 1876” and “the directors”;

Section 3 (Standard of calorific value);

[26 GEO. 5. &  
1 EDW. 8.]

*South Metropolitan  
Gas Act 1936.*

[Ch. cv.]

- Section 4 (Measure of standard units supplied); A.D. 1936.  
Section 5 (Gas of declared value to be supplied); —  
Section 6 (Declaration of calorific value);  
Section 7 (Adjustment of consumers' appliances);  
Section 8 (Testing for calorific value);  
Section 9 (Pressure of gas);  
Section 10 (Limit of inert constituents);  
Section 11 (Testing for inert constituents);  
Section 12 (Forfeitures for deficient calorific value);  
Section 13 (Forfeiture for excess of inert constituents);  
Section 14 (Average of testings);  
Section 20 (Reduction of divisible profits if calorific value deficient);  
Section 21 (Calculation of profits for exceptional purity of gas); and  
Section 22 (Incidence of forfeitures).

The South Metropolitan Gas (No. 2) Act 1934—

Section 2 (As to prepayment meter charges).

(2) Notwithstanding the repeal of any of the provisions of the Act of 1920 referred to in subsection (1) of this section the Company shall continue to charge for the supply of gas according to the number of British thermal units supplied.

17.—(1) The Company shall not later than in the session nineteen hundred and forty-one promote a Bill in Parliament giving an opportunity for the amount of the basic price prescribed by the Act of 1920 to be revised by such Bill. Promotion by Company of future Bill.

(2) The London County Council and the council of any metropolitan borough or urban district within or partly within the limits of supply shall (subject to their complying with any relevant statutory requirements and standing orders of each House of Parliament) be entitled to be heard before the committee to which any Bill promoted for the purpose

A.D. 1936. — aforesaid shall be referred as to whether the amount of the basic price prescribed by the Act of 1920 should be revised by such Bill and if so to what extent.

Costs of  
Act.

**18.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may be paid wholly or in part out of revenue.

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