



CHAPTER lxxx.

An Act to consolidate the Acts applying to the    A.D. 1928.  
South Suburban Gas Company to make new  
provisions as to the charges for the gas supplied  
by and the application of the profits of the  
Company to extend their limits of supply to  
authorise the Company to acquire additional  
lands and for other purposes. [3rd August 1928.]

WHEREAS the South Suburban Gas Company (in this Act called “the Company”) were incorporated by the Crystal Palace District Gas Company’s Act 1858 by the name of the Crystal Palace District Gas Company and under the provisions of that Act and subsequent Acts the Company supply gas within an area which comprises parts of the counties of London Surrey and Kent :

And whereas the following is a statement of the capital stock and loan capital which the Company are authorised to create and issue and have created and issued :—

Name of Stock.	Nominal Amount.		
	Issued.	Unissued.	Total.
CAPITAL.			
Ordinary stock - - -	£	£	£
	1,243,795	156,172	1,914,477
Ordinary or preference stock -	(Premiums 14,510)		
	- - -	500,000	
[Price 3s. Net.]	A		1

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Name of Stock.	Nominal Amount.		
	Issued..	Unissued.	Total.
	LOAN CAPITAL.		
	£	£	£
5 per centum perpetual debenture stock.	368,837	443,428	948,454
	(Premiums		
	34,989)		
7 per centum redeemable debenture stock.	101,200		

And whereas by virtue of the South Suburban (Charges) Order 1921 made under the Gas Regulation Act 1920 as amended by the South Suburban Gas Order 1926 the charges made by the Company for the supply of gas are based on the heat value of the gas so supplied by them and the standard price in respect of gas supplied by the Company is ten decimal eight pence per therm the Company having also a right of addition to dividend up to eleven shillings and eightpence on every hundred pounds of paid up ordinary capital in each half-year and such standard price with such addition as aforesaid is virtually equivalent to a standard price of one shilling decimal two pence and the Company are entitled for a limited period to charge within a part of their limits of supply a price in excess of but reducing year by year to the price charged by them elsewhere within the said limits :

And whereas under the Acts and Orders relating to the Company the dividends from time to time payable on the said ordinary capital of the Company must fall below or may be increased above a standard rate of dividend of five per centum per annum under a statutory sliding scale applicable to the Company accordingly as the price from time to time charged by the Company for gas sold by them is above or below the said standard price :

And whereas Parliament has in the past in certain cases made provision for securing that the public and those employed in gas undertakings and those providing the capital therefor should be more directly and mutually interested in the good management and prosperity of the undertakings and such provision has been found

to be of public advantage and to conduce to the cheapening of the price at which the public can be supplied with gas :

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And whereas the Company are desirous and it is expedient that such provision as aforesaid should be made applicable to the Company and that the profits of their undertaking after providing for a reasonable return on capital should be applied as to the greater part thereof in reduction of the price of gas and as to the balance thereof in part in increasing returns on capital invested in their undertaking and in other part in increasing the financial interest by way of bonus of employee co-partners of the Company :

And whereas the Company are authorised to manufacture gas and residual products arising from such manufacture on the lands described in Part I of the First Schedule to this Act :

And whereas many of the provisions of the Acts relating to the Company are obsolete or have been superseded and the areas of local government within which the Company are by those Acts authorised to supply gas have changed and it is expedient to repeal the said Acts and to consolidate such of the provisions thereof as are still in force into one Act with such amendments and additions as are in this Act contained :

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

#### PRELIMINARY.

1. This Act may be cited as the South Suburban Gas Act 1928. Short title.

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Incorporation of  
general  
Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable to the purposes of this Act) hereby incorporated with and form part of this Act (namely):—

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of borrowed money into capital) and the Companies Clauses Act 1863 as amended by subsequent Acts;

The Lands Clauses Acts;

The Gasworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit:

Provided that section 13 of that Act shall be read as if the words “or any premises” were inserted therein after the words “private building” and as if the words “Provided also that “every such contract entered into by the “Company shall be alike in terms and amount “under like circumstances for like purposes “to all consumers” were added at the end of that section;

The Gasworks Clauses Act 1871 except sections 8 and 35 thereof;

and the provisions of those Acts as so amended shall continue to apply to the existing undertaking of the Company as if the same had been authorised by this Act.

Interpre-  
tation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

“the Company” means the South Suburban Gas Company;

“existing” means existing at the time of the passing of this Act;

“recited Acts” means the Acts and Orders set forth in the Second Schedule to this Act;

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

“the undertaking” means the undertaking of the Company as from time to time authorised;

- “ British thermal unit ” means the amount of heat which will raise the temperature of one pound of water one degree Fahrenheit; A.D. 1928.  
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- “ calorific value of the gas ” means the gross number of British thermal units produced by the combustion of one cubic foot of gas supplied by the Company measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and saturated with water vapour;
- “ a therm ” means one hundred thousand British thermal units;
- “ the declared calorific value ” means the calorific value of the gas which the Company are for the time being bound to supply under this Act or under any declaration in force under the provisions of this Act;
- “ the Act of 1920 ” means the Gas Regulation Act 1920;
- “ the gas referees ” means the gas referees appointed by the Board of Trade under the Act of 1920;
- “ the directors ” means the directors of the Company;
- “ co-partner ” means a person in the employ of the Company with whom the Company have entered into an agreement for his acquisition of a share in the profits of the Company by way of a bonus on his salary or wage.

#### LIMITS OF SUPPLY.

4. The limits within which the Company may supply gas shall be and include— Limits for supply of gas.

In the county of London—

So much of the metropolitan boroughs of Lambeth Camberwell and Lewisham as is included within a line commencing upon the county boundary at a point being the junction of Central Hill Upper Norwood with Elder Road proceeding thence in a northerly direction to the junction of Auckland Hill with Gipsy Road West Norwood thence in a north-westerly direction along Auckland Hill to the junction of St. Cloud Road and Pilgrim Hill thence in a northerly direction to the

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southern entrance to the South Metropolitan Cemetery thence skirting the southern and eastern boundaries of such cemetery to the junction of Park Road and Chestnut Road West Norwood thence along Park Road to its junction with South Croxted Road Dulwich thence in a direct line to the junction of Lordship Lane and Wood Vale thence along the western and north-western side of Wood Vale to its junction with Forest Hill Road thence along Forest Hill Road to its junction with Honor Oak Park thence along Honor Oak Park to a point eighty-five yards east of Honor Oak Park Station thence on the east side of and at a distance of twenty-three yards from Grierson Road Parbury Street and Stondon Park to a point in Brockley Road two hundred yards or thereabouts measured in a south south-westerly direction from Crofton Park Station thence in a south-easterly and easterly direction along a footpath leading from Brockley Road to the junction of Ewhurst Road with Crofton Park Road thence in a south-easterly direction to the north-west corner of the Ladywell Recreation Ground thence across such recreation ground to a point on the Mid-Kent line of the Southern Railway four hundred and fifty yards or thereabouts north of Catford Bridge thence following the eastern boundary of the said Mid-Kent line as far as the bridge across the river Ravensbourne thence following the left bank of the river Ravensbourne in a south-easterly direction to the point where that river crosses the county boundary thence following the county boundary in a north-westerly and westerly direction to the point of commencement.

In the county of Kent—

The borough of Bromley;

The urban districts of Beckenham Bexley Chislehurst Crayford Dartford Erith Sidcup and Penge;

The rural district of Bromley (except the parish of Knockholt and except also so much of

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the parish of Mottingham as lies to the north-west of an imaginary straight line drawn from a point on the boundary between that parish and the borough of Bromley two hundred and fifty yards or thereabouts west of Elmstead Cottage to a point on the boundary between that parish and the metropolitan borough of Woolwich two hundred and twenty yards or thereabouts north-west of the junction of Elmstead Lane and Mottingham Lane);

The rural district of Dartford (except the parish of Swanscombe);

The parishes of Halstead and Shoreham in the rural district of Sevenoaks;

The parish of Nurstead in the rural district of Strood.

In the county of Surrey—

So much of the northern portion of the county borough of Croydon as is not included within the limits of supply of the Croydon Gas Company;

and which said limits hereinbefore described are more particularly delineated and marked with a blue verge line on a plan signed in triplicate by the Right Honourable Lord Chalmers the Chairman of the Joint Committee of both Houses of Parliament to which the Bill for this Act was referred and one copy whereof is deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one at the chief office of the Company In the case of any difference between the said limits as hereinbefore described and as delineated on the said plan the said plan shall prevail.

#### REPEAL OF RECITED ACTS AND SAVINGS.

5.—(1) This Act shall come into operation on the first day of January one thousand nine hundred and twenty-nine which date is in this Act referred to as “the commencement of this Act.”

Commence-  
ment of  
Act and  
repeal of  
recited Acts.

(2) Subject to the provisions of this Act the recited Acts so far as the same are still in force are hereby repealed as from the commencement of this Act.

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Saving from  
repeal of  
sections of  
Act of 1914.

6.—(1) Notwithstanding the repeal of any of the Acts repealed by this Act the several sections of the South Suburban Gas Act 1914 which are set forth in the Fourth Schedule to this Act shall remain in full force and this Act or anything therein contained shall not alter or affect those scheduled sections or any of them.

(2) Where under any of the said scheduled sections any rights powers immunities or privileges are expressed to be vested in or reserved to any specified corporation or body such rights powers immunities or privileges shall be deemed to be vested in or reserved to and shall enure for the benefit of the corporation or body in or by which the same shall be vested or exerciseable at the date of the commencement of this Act and subsection (7) of the scheduled section 18 of the South Suburban Gas Act 1914 shall be read and construed as if the provisions of section 254 of the Port of London (Consolidation) Act 1920 were referred to therein instead of the provisions of section 116 of the Thames Conservancy Act 1894.

Continu-  
ance of in-  
corporation  
of Company.

7. Notwithstanding the repeal effected by this Act the Company shall continue incorporated by the name of the "South Suburban Gas Company" with perpetual succession and a common seal and with power to purchase take hold and dispose of lands for the purposes of this Act.

Under-  
taking to  
continue  
vested in  
Company.

8. The undertaking of the Company as the same exists at the commencement of this Act shall continue vested in the Company and be held exercised and enjoyed by them subject to the provisions of this Act.

Saving for  
securities  
&c.

9.—(1) All acts works matters and things before the commencement of this Act done or commenced under the powers of the recited Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing awards agreements contracts conveyances covenants deeds leases obligations rights and remedies shall subject to the provisions of this Act be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed.

(2) All existing mortgages or other securities granted or created by the Company shall be and continue as valid

and available against the Company and the property comprised in any such security as if this Act had not been passed and the holders of all such securities shall be in the like position in all respects and entitled to the like priorities powers rights and remedies as if this Act had not been passed and the Company shall have exercise and be subject to the like powers duties liabilities and obligations in respect of all such securities and the repayment and re-borrowing of any principal moneys and otherwise as if this Act had not been passed. A.D. 1928.

(3) All actions arbitrations prosecutions or other proceedings or causes of action arbitration prosecution or other proceedings pending or existing by with against or in favour of the Company at the commencement of this Act may be continued commenced or prosecuted by with against or in favour of the Company as if this Act had not been passed.

(4) All gas rents and other sums at the commencement of this Act due or accruing due to the Company may be collected and recovered by the Company as if this Act had not been passed.

(5) All plans sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the recited Acts with the clerk of the peace for the county of Kent shall remain in his custody as if they had been deposited for the purposes of this Act and the clerk of the peace shall accordingly permit the same to be inspected and copies thereof and extracts therefrom to be taken and all such plans sections books of reference corrections and certificates shall be receivable in evidence as they would have been if this Act had not been passed.

(6) All other books and documents which under any of the recited Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

(7) All officers and servants of the Company shall continue in office in accordance with and subject to the terms and conditions of their respective engagements.

(8) The accounts for the year ending the thirty-first day of December one thousand nine hundred and twenty-eight and the balance sheet of the Company as at that date shall be prepared and audited and a dividend

A.D. 1928. — or final dividend for that year may be declared and paid after the commencement of this Act as if this Act had not been passed.

General  
purposes of  
Company.

10. The Company shall be established for the purpose of manufacturing storing and supplying gas for lighting heating motive power and other purposes and may produce purchase store sell dispose of and deal in gas coke patent fuel tar pitch asphaltum ammoniacal liquor sulphate of ammonia and all other products refuse or residuum arising remaining produced by or resulting or obtained from the manufacture of gas or the materials used therein and may manufacture and sell such articles as can be produced from or by means of the several matters and things aforesaid or any of them and may purchase and store coal oil and other materials employed in the manufacture of gas and generally may carry on any business usually carried on by gas companies or which is or may become incidental thereto and may carry the powers of this Act into execution.

#### CAPITAL BORROWING POWERS &c.

Capital.

11. The capital of the Company is the sum of one million nine hundred and fourteen thousand four hundred and seventy-seven pounds of which one million two hundred and forty-three thousand seven hundred and ninety-five pounds has been issued and consists of ordinary stock (and on the issue whereof premiums were received amounting to fourteen thousand five hundred and ten pounds) and of which capital six hundred and fifty-six thousand one hundred and seventy-two pounds (in this Act called "the unissued capital") has not been issued.

Vesting of  
existing  
stock.

12. The said one million two hundred and forty-three thousand seven hundred and ninety-five pounds ordinary stock shall remain vested in the several persons who immediately before the commencement of this Act were respectively the registered proprietors thereof and be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as affected the same and every certificate deed or other instrument relating to and every testamentary or other disposition of or affecting that stock made before the commencement of this Act shall take effect as if this Act had not been passed.

**13.** The unissued capital may be issued either as ordinary stock or as preference stock or partly as the one and partly as the other at such times and in such amounts as the Company or the directors shall from time to time determine to such extent as shall be sufficient to produce after taking into account premiums or discounts (if any) which may be obtained or allowed on the issue thereof the sum of six hundred and fifty-six thousand one hundred and seventy-two pounds.

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As to  
unissued  
capital.

**14.** Notwithstanding anything contained in the Companies Clauses Act 1863 or any other Act any capital which may be issued by the Company as preference capital may bear such a rate of interest as the directors may determine at the date or respective dates of the issue thereof.

Dividend on  
preference  
capital.

**15.—(1)** All ordinary or preference stock or debenture stock issued under the powers of this Act shall be issued in accordance with the provisions of this section.

As to sale of  
stock by  
auction or  
tender.

(2) All ordinary stock or preference stock or debenture stock so to be issued whether the same be at a premium or not may (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) if the Company think fit be offered to all the gas consumers and persons in the employ of the Company. The price at which the said preference stock shall be so offered shall on the occasion of the first issue of the same or of any part thereof be such as shall be determined on the application of the Company by the chairman of the London Stock Exchange and on the occasion of any such issue of ordinary stock or debenture stock or of any subsequent issue of such preference stock the price at which the same shall be so offered shall be as near as may be the average market price of such ordinary stock or preference stock or debenture stock in the period of two weeks immediately preceding such offer (provided that in no case shall the price at which such ordinary stock or preference stock or debenture stock shall be offered be lower than five per centum below such market price) or if (as regards any of such stocks) there be no such market price then such a price as shall be determined as hereinbefore provided. To ascertain the average market price of the ordinary stock or preference stock or debenture stock for the

A.D. 1928. — purposes of this subsection the mean daily prices recorded in the London Stock Exchange daily official list shall be taken for the said period of two weeks.

(3) Any ordinary stock or preference stock or debenture stock which has not been so offered as aforesaid or which has been so offered and not taken up shall before being offered to the holders of any ordinary stock or preference stock or debenture stock of the Company be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided as follows :—

- (a) Notice of the intention to offer or sell any stock in accordance with subsection (2) or subsection (3) of this section shall be given in writing to the London County Council to the town clerk of each borough and to the clerk of each urban or rural district council within the limits of supply and to the secretary of the London Stock Exchange at least fourteen days before the date of any offer under the said subsection (2) or the day of auction or the last day for the reception of tenders under this subsection as the case may be and shall also be duly advertised once in one or more local newspapers circulating within the limits of supply ;
- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be ;
- (c) No lot offered for sale by auction in accordance with this subsection shall comprise stock of greater nominal value than one hundred pounds ;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer by tender of any holder of stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder as aforesaid and preference may in a like manner be given to the offer of any employee of the

Company or consumer of gas supplied by the Company; A.D. 1928.

- (e) In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid;
- (f) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within such period not exceeding three months after the date of the auction or of the acceptance of the tender as the case may be as the directors may determine.

(4) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to the employees of the Company and to the consumers of gas supplied by the Company in such proportions as the Company may think fit or to one or more of these classes of persons only Provided that in the case of an offer to holders of stock if the aggregate amount of stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

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

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

(7) The provisions of this section shall not apply to any stock—

- (a) issued for the purposes of any co-partnership or profit-sharing scheme of the Company; or
- (b) issued for the purpose of complying with the provisions of any agreement made between the

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Company and the South Metropolitan Gas Company under the South Metropolitan Gas Act 1925 and approved by the Board of Trade under the provisions of that Act;

(c) to the issue whereof the provisions of this section are made inapplicable by the section of this Act of which the marginal note is "Redeemable stock";

but any stock issued for any of the purposes mentioned in this subsection shall be issued at the market price of the same class of stock at the date of issue or if there be no such market price at such price as shall be determined by the auditors of the Company to be a fair price.

Stock in  
further capi-  
tal to be part  
of general  
capital.

16. Subject to the provisions of this Act all stock in the unissued capital issued by the Company under this Act shall be part of the general capital of the Company and save as is otherwise provided by this Act the holders thereof respectively shall be entitled to the like rights of voting and any other rights qualifications and privileges in proportion to the amount of their stock and be subject to the like provisions and liabilities as the holders of other stock of the Company of the same class and description.

Votes in  
respect of  
preference  
capital.

17. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any stock issued under or by virtue of the powers conferred by this Act to which a preferential dividend shall be assigned.

Power to  
borrow.

18.—(1) The Company may without further or other authority raise by borrowing on mortgage of the undertaking in respect of the capital raised by the Company before the commencement of this Act any sum or sums not exceeding in the whole including any sum or sums borrowed by the Company before the commencement of this Act and outstanding at that date six hundred and twenty-nine thousand one hundred and fifty-two pounds.

(2) The Company may also raise by borrowing on mortgage of the undertaking in respect of any further amounts of ordinary stock or preference stock issued by them after the commencement of this Act any sum or sums not exceeding in the whole one-half of the amount

(including premiums) which at the time of borrowing has been raised by the issue of such further amounts and has not been repaid but no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the amounts payable in respect of such capital at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

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**19.**—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “As to sale of stock by auction or tender” the Company (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) may when ordinary or preference or debenture stock of the Company is to be offered for sale pay such a commission as the Board of Trade may approve not exceeding five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any stock. Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company relating to the offer for sale of such stock.

As to commissions on sale of capital.

(2) Nothing in this section shall affect any power of the Company to pay brokerage.

**20.** All mortgages granted by the Company under the powers of the recited Acts and subsisting at the commencement of this Act shall during the continuance of such mortgages have priority over any mortgages granted by virtue of this Act and as between themselves shall have the same rights priorities privileges and incidents as attached or were incident to the same mortgages respectively immediately before the commencement of this Act.

Priority of existing mortgages.

**21.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their debentures debenture stock or mortgages by the appointment of a receiver. In order

Arrears to be enforced by appointment of a receiver.

A.D. 1928. — to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the holders of debentures or debenture stock or the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture  
stock.

**22.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the commencement of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall subject as is mentioned in the section of this Act of which the marginal note is "Priority of mortgages over other debts" have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of  
mortgages  
over other  
debts.

**23.** All moneys raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time forming part of the undertaking over all other claims on account of any debts incurred or engagements entered into by the Company after the commencement of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to or vested in the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Redeemable  
stock.

**24.—(1)** The directors may from time to time and without any further authority than is given by this section raise—

(a) by the issue of redeemable preference stock any portion of the capital which the Company are

authorised by this Act to raise as preference capital; A.D. 1928.

- (b) by the issue of redeemable debenture stock any money which the Company are authorised by this Act to raise by the issue of debenture stock;

subject to the condition that such redeemable preference stock and redeemable debenture stock shall be redeemed by the Company at such times and in such manner and on such terms and conditions as may be expressed on the certificates of such preference stock or debenture stock.

(2) It shall be lawful for the Company from time to time to create and for the directors to issue—

- (a) new stock whether ordinary or preference (and as regards any preference stock whether redeemable or otherwise) to such amount as may be necessary to provide money for the redemption or purchase of any redeemable preference stock; or
- (b) new debenture stock whether redeemable or otherwise to such amount as may be necessary to provide money for the redemption or purchase of any redeemable debenture stock;

or to re-issue any preference stock or debenture stock which has been redeemed under the provisions of this section or to issue any such new ordinary or preference stock or new debenture stock for the purpose of redemption of or in substitution for any such redeemable preference stock or redeemable debenture stock (as the case may be) Provided that the creation and issue under the provisions of this subsection of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new stock and the redemption of the old stock.

(3) The provisions of this Act relating to the mode of issue of stock of the Company shall not apply to the issue to the holder of any redeemable preference stock or redeemable debenture stock of any such new ordinary or preference stock by way of redemption of or in substitution for such redeemable preference stock or redeemable

A.D. 1928. debenture stock and such new ordinary or preference stock may be issued direct to such holder.  
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(4) The proceeds of any issue under subsection (2) (a) or (b) of this section shall be applied for the redemption at maturity of any redeemable preference stock or redeemable debenture stock for the redemption of which such issue was made but may if the directors think fit be also at any time applied in the purchase of any such preference stock or debenture stock at a price not exceeding the redemption price and any preference stock or debenture stock so purchased shall be cancelled.

(5) The creation of new stock or new debenture stock under the provisions of subsection (2) of this section and the issue of new stock or new debenture stock so created shall not be deemed to be an increase of the capital authorised to be raised by the Company or of the borrowing powers of the Company but in determining for the purposes of their accounts for the year in which any such new stock or new debenture stock has been issued and for each subsequent year the respective nominal amounts of capital and loan capital issued the Company shall make all such adjustments of the said nominal amounts as shall be necessary in order to show the actual nominal amounts of capital and loan capital respectively for the time being issued and outstanding :

Provided that nothing in this section shall relieve the Company from any obligation to which but for the provisions of this subsection they would have been subject to pay stamp duty in respect of any increase of the amount of nominal capital of the Company which may be effected by the creation and issue of any such new stock as aforesaid :

Provided also that the period within which the Company shall deliver to the Commissioners of Inland Revenue the statement of the amount of any such increase required by section 113 of the Stamp Act 1891 shall be one month after the date of such creation.

Application  
of pre-  
miums.

**25.** Any sum of money which shall arise from the sale of any ordinary preference or debenture stock by way of premium after deducting therefrom the expenses of and incidental to such sale shall not be considered as profits of the Company but as part of the capital of the

Company expended in the undertaking but not entitled to dividend and shall be expended in extending or improving the works of the Company. A.D. 1928.  
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26. Where any mortgage or debenture stock of the Company is registered in the names of more than one person as holders thereof the receipt of any of the registered holders of such mortgage or debenture stock shall in the event of no notice to the contrary being served upon the Company from the other or others of such registered holders be a sufficient discharge to the Company for any interest payable in respect of such mortgage or debenture stock the receipt whereof is acknowledged by such receipt. Receipts for interest in cases of joint holders.

27. The registers of stockholders and of mortgagees of the Company and the registers of transfers of stocks and of mortgages shall continue to be the registers required to be kept for those purposes by the Companies Clauses Consolidation Act 1845 and be accessible as heretofore to the several holders of stocks and mortgages. Continuance of registers.

#### HEAT UNIT BASIS FOR GAS SUPPLY.

28. For the purposes of this Act the number of therms supplied shall be ascertained from time to time by multiplying the number of British thermal units comprised in the declared calorific value of the gas by the number of cubic feet thereof supplied and dividing the resulting sum by one hundred thousand. Measure of therms supplied.

29. Until such time as the Company shall become entitled as provided by this Act to supply gas of a different calorific value the calorific value of the gas supplied by the Company shall be five hundred British thermal units. Calorific value of gas.

30. If at any time after the passing of this Act the Company desire to supply gas of a different calorific value from that which they are then supplying the Company shall by advertisement in the London Gazette and by notice in writing to the Board of Trade and the council of each county and of each borough and urban district within or partly within the limits of supply and to each consumer of gas supplied by the Company declare their intention to supply 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 different calorific value. Declaration of calorific value.

A.D. 1928. 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 unless and until varied by subsequent declaration under the provisions of this Act.

Adjustment  
of con-  
sumers' ap-  
pliances.

**31.** If and so often as the Company shall declare their intention to supply gas of a different calorific value from the calorific value which they are supplying at the date of such declaration the Company shall effect any re-adjustment or replacement of consumers' appliances which may be required in consequence of such alteration of calorific value and so that the gas supplied can be burned in such appliances with safety and efficiency except in the case of a consumer who objects to such adjustment or replacement. On each such occasion the Company shall carry out such adjustments and replacements as they are by this section required to effect within six months from the date when they commence to effect the same and without charge to the consumer.

Pressure of  
gas.

**32.** 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 :

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 except as aforesaid be such as will balance a column of water not less than two and a half inches in height; and
- (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.

Saving for  
certain pro-  
visions of  
Act of 1920.

**33.** The following sections or parts of sections of the Act of 1920 shall apply to the Company as if the provisions of this Act with respect to price quality and

pressure of the gas supplied by the Company were an Order made under section 1 of that Act in relation to the Company (namely) :— A.D. 1928.  
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Subsection (1) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

Section 9 (Forfeiture for deficient calorific value &c.);

Section 11 (Fees for examination of meters);

Section 12 (Application of ss. 5 & 6 of 4 Edw. 7. c. 28);

Section 13 (Meters to be stamped);

Section 15 (Accounts and returns);

Section 16 (Power to make rules);

Section 18 (Definitions);

Section 20 (Expenses of local authorities).

Save as aforesaid the provisions of the Act of 1920 shall not apply to the Company.

#### PRICE OF GAS AND APPLICATION OF PROFITS.

**34.** The basic price of gas supplied under the powers of this Act shall be elevenpence for each therm and that price is in this Act referred to as “the basic price.” Price.

**35.** The Company may subject to and in accordance with the provisions of this Act increase or reduce the price charged by them above or below the basic price but except as by this Act otherwise provided the Company shall not declare any larger dividend on any ordinary stock of the Company than a dividend at the rate of five pounds per annum in respect of every one hundred pounds of such ordinary stock for the time being paid up and the said rate of dividend is in this Act referred to as “the basic rate.” Limitation of dividends.

A.D. 1928.

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Division of  
surplus  
profits.

**36.** The surplus profits of the Company shall be divided in the following proportions namely three-fourths to the consumers and one-fourth equally between the ordinary stockholders and the employee co-partners of the Company in accordance with the following provisions (that is to say) :—

- (1) At the end of each year or half-year a sum shall be calculated representing the amount by which the total amount payable by consumers during such year or half-year has been less than the amount which would have been payable if the gas had been charged for at the basic price and such sum so calculated shall be called "the consumers' share" and for the purposes of this section "the surplus profits" shall mean a sum of which the consumers' share is three-quarters :
- (2) If and so far as the balance standing to the credit of the net revenue account after providing for dividend on the preference stock if any and dividend at the basic rate on the ordinary stock in the opinion of the directors permits a sum not exceeding one-quarter of the surplus profits shall be applied in two equal parts for the benefit of the holders of ordinary stock and for the benefit of the employee co-partners of the Company in manner hereinafter mentioned :
- (3) Any sum so to be applied for the benefit of the holders of ordinary stock may be applied in the increase of the dividend above the basic rate and if and so far as not so applied shall be carried to the reserve fund :
- (4) The sum so to be applied for the benefit of the employee co-partners of the Company shall be allocated to such extent (not being less than half thereof) as the directors may determine by way of a uniform percentage of bonus on the basic salaries and wages of the employee co-partners of the Company and shall to such extent be paid by the Company to the trustees for the time being under the scheme for the benefit of the employee co-partners for the time being in force and so far as not so allocated as aforesaid shall be carried to the credit of the

superannuation fund of the employee co-partners of the Company : A.D. 1928.

- (5) Any balance of the profits of the Company not applied as aforesaid shall be carried to the credit of the net revenue account of the Company for the next following year or half-year Provided that the sum standing to the credit of such net revenue account shall not at any time exceed the amount required to pay one year's dividend on any preference stock and one year's dividend at the basic rate on the ordinary stock of the Company and the amount which the Company will be required to pay in the next following year as interest on any mortgages or debenture stock :
- (6) In the construction of subsection (1) of this section a gas company receiving a supply of gas in bulk from the Company shall not be deemed to be a consumer.

**37.** Until the thirtieth day of June one thousand nine hundred and twenty-nine the price to be charged for gas by the Company to persons who consume the same by meter in the urban districts of Bexley Crayford and Erith shall be a price per therm not exceeding by more than a halfpenny the price per therm for the time being charged by the Company in the remainder of the limits of supply and in respect of the period of twelve months commencing on the first day of July one thousand nine hundred and twenty-nine the price to be charged by the Company as aforesaid in the said urban districts shall be a price per therm not exceeding by more than one farthing the price per therm for the time being charged in the said remainder of the limits of supply and thereafter the price to be charged by the Company throughout the said urban districts shall be and continue the same as the price for the time being charged by the Company in the said remainder of the limits of supply.

Special  
price in  
certain  
districts.

**38.** The Company shall not charge a higher price per therm for gas supplied to any local authority than the lowest rate per therm from time to time charged by them to any private consumers in the limits of supply.

Public  
lamps.

**39.—**(1) The Company shall from time to time file for public inspection with the local authority and with

Provisions  
relating to  
basic price

A.D. 1928. — the Board of Trade statements of the conditions under which they are prepared to grant discounts on prices charged by them. Any such discounts granted by the Company shall be alike under the like circumstances.

(2) No sum shall be (i) divided in excess of the basic rate or carried to the reserve fund and (ii) paid to the co-partners in respect of any period in which the price charged to the ordinary consumer is equal to or in excess of the basic price.

(3) The Company shall in each year send to the Board of Trade with the accounts required under section 15 of the Act of 1920 a statement showing the number of therms sold at each of the several net prices during the year to which the accounts relate (including gas supplied to public lamps) and if thereafter requested by the Board shall also furnish to the Board all such other information relevant to the said matters as the Board may require.

(4) The accounts of the Company for each year shall contain such particulars as will enable the local authority to calculate the amount which may be for such year (i) paid as dividend or transferred to the reserve fund and (ii) paid to the co-partners.

Interim  
dividends.

40. The directors may in any year declare and pay in respect of any half-year ending on the thirtieth day of June a half-yearly dividend on any class or classes of stock in the capital of the Company without the sanction or direction of a general meeting but no such half-yearly dividend on any ordinary capital of the Company shall exceed the rate of dividend on such capital in respect of such half-year as ascertained pursuant to the sections of this Act of which the respective marginal notes are "Limitation of dividends" and "Division of surplus profits" and no such half-yearly dividend on any preference stock of the Company shall exceed one-half of the yearly dividend on such stock.

Closing of  
transfer  
books.

41. The directors may close any register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend or to the date on which interest on the stock to which the register relates shall be payable and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published

or circulating within the limits of supply and any transfer made during the time when the transfer book in which the same is to be registered is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or to the date on which the interest is payable.

A.D. 1928.  
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42. Any forfeiture fine or penalty incurred by the Company in any year or half-year shall be deducted from the profits of the Company applicable in respect of that year or half-year for the benefit of the holders of ordinary stock or for the benefit of the employee co-partners of the Company or in either or both of those ways.

Incidence of  
forfeitures.

43. The Company shall not later than in the session 1935 promote a Bill in Parliament proposing a revision of the basic price fixed by this Act or giving an opportunity for such revision to be made. The council of any county and of any 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 Parliament) be entitled to be heard on such Bill.

Company to  
promote  
future Bill.

#### RESERVE AND SPECIAL PURPOSES FUNDS.

44.—(1) Any moneys which the Company are by this Act authorised to carry to the reserve fund may be invested in any securities in which trustees are authorised by law to invest money or in such other manner as shall be authorised by a resolution of the Company and the dividends and interest arising from such securities may be invested in the same or the like securities in order that the same shall accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable in or towards increasing beyond the basic rate the dividend on the ordinary stock of the Company for any year or half-year or in or towards the payment of dividend for any year or half-year in which the profits of the Company shall be insufficient to enable the Company to pay dividend at the basic rate on the ordinary stock of the Company or to such other purpose or purposes as the directors may determine.

Reserve  
fund.

A.D. 1928.

(2) The Company may carry to the reserve fund any moneys which under the section of this Act of which the marginal note is "Division of surplus profits" may be applicable to payment of dividends on the ordinary stock of the Company.

(3) The money and securities standing to the credit of the reserve fund of the Company existing at the commencement of this Act shall be credited to the reserve fund provided for by this Act and save as is by this Act provided no sum shall in any year or half-year be carried by the Company to the reserve fund.

Special purposes fund.

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

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

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

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

(4) The moneys forming the special purposes fund or any portion thereof may be invested in securities in which trustees are authorised by law to invest or may be applied for the general purposes of the Company to which capital is properly applicable or may be used partly in the one way or partly in the other.

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

(6) The money or securities standing to the credit of the special purposes fund of the Company at the commencement of this Act shall be credited to the special purposes fund.

A.D. 1928.  
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#### NOMINATIONS BY EMPLOYEES FOR TRANSFER OF STOCK PENSIONS &C.

46. Subject to the regulations set forth in the Third Schedule to this Act any person in the employment of the Company and holding in his own right any ordinary stock of the Company or having any money left in the hands of the Company on account of any share in the profits of the Company (in this Act referred to as "deposits") may nominate any person to transfer the said stock and to receive any such deposits at the death of the person so nominating and in the event of any such person holding such stock or having such deposits dying without having made a nomination which shall be in force at his death the directors may register such stock and pay or distribute such deposits as by the said regulations provided Any person entitled to make a nomination under the provisions of this section but who has ceased (otherwise than by death) to be so entitled shall notwithstanding such cesser continue to be entitled to exercise in respect of any stock of the Company held by him or of any money left by him in the hands of the Company the rights conferred by this section and the regulations contained in the Third Schedule to this Act shall apply to any such person and to any nomination made by him (whether before or after such cesser as aforesaid) as if he had continued to be an appointor within the meaning of that schedule.

Nomina-  
tions by  
employees  
for transfer  
of stock  
held by  
them.

47.—(1) The Company may grant pensions or gratuities or make other allowances or payments to any employees of the Company or the dependants of any such employee or may make contributions to any fund established by their employees for the payment of pensions or superannuation allowances or for the benefit of such dependants and may charge their funds and revenues with such payments or contributions.

Power to  
grant pen-  
sions &c. to  
officers  
employees  
&c.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing any such pensions

A.D. 1928. — gratuities allowances or payments and may for all or any of the purposes of this section apply the revenues of the Company.

(3) In this section the word "employee" includes any officer or servant of the Company.

As to cer-  
tain pen-  
sions and  
commuta-  
tion thereof.

**48.**—(1) The Company shall continue to pay all pensions granted by any company whose undertaking has been acquired by the Company under the provisions of the recited Acts.

(2) The Company may by agreement with any person entitled to any such pension as is mentioned in this section commute such pension by payment to such person of a sum in gross.

Power to  
directors to  
make dona-  
tions sub-  
scriptions  
&c.

**49.** The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and to any industrial exhibitions relating to any of the objects of the Company and to benevolent and sick funds of the employees of the Company and may for any of these purposes apply the revenues of the Company.

#### MEETINGS.

Ordinary  
meetings.

**50.** The annual general meeting of the Company shall be held in every year in the months of March or April or at such other time as the directors may appoint.

Quorum of  
general  
meetings.

**51.** The quorum of general meetings (whether ordinary or extraordinary) of the Company shall be ten stockholders present in person and holding in the aggregate not less than ten thousand pounds of ordinary or preference stock.

Requisitions  
for extra-  
ordinary  
meetings.

**52.** The number of stockholders on whose requisition an extraordinary meeting may be required to be convened shall be five or more stockholders holding in the aggregate not less than one thousand pounds of stock to which voting rights are attached.

Votes.

**53.** Every holder of ordinary stock and if and so far as voting rights attach to any preference stock every holder of such stock shall have one vote for every five pounds of such stock held in the capital of the Company.

**54.** Notwithstanding anything contained in the Acts incorporated with this Act the Company shall not be under any obligation to prepare or to submit to their stockholders or auditors statements of accounts or balance sheets or to hold ordinary general meetings more than once a year and anything which under the Acts incorporated with this Act is authorised to be required to be done at a general meeting of the Company to be held at any specified time may be done at the annual general meeting of the Company at whatever time held.

A.D. 1928.  
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Meetings need not be held half-yearly nor half-yearly accounts prepared.

**55.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any stockholder duly authorised in writing may appoint a proxy to vote for and on behalf of the stockholder and for that purpose may execute on behalf of the stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing the proxy.

As to appointment of proxies.

**56.** Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any stock to which voting rights are attached any one of those persons may vote at any meeting either personally or by proxy in respect of the stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any stock stands shall for the purposes of this section be deemed joint holders thereof.

Joint holders.

#### DIRECTORS SECRETARY AND AUDITORS.

**57.** The number of directors (exclusive of any directors for the time being holding office pursuant to any scheme referred to in the section of this Act of which the marginal note is "Employee directors") shall be not more than eight nor less than five.

Number of directors.

**58.**—(1) The directors may with the sanction of a majority of the proprietors of the Company present in person or by proxy and voting at a general meeting of

Employee directors.

A.D. 1928. — the Company prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling one or more but not exceeding three of the employee co-partners of the Company to become a director or directors of the Company.

(2) The qualification of an employee director shall be fixed by the scheme for the time being in force but each such director shall at the date when he becomes a director have been not less than seven years in the constant employ of the Company and shall for not less than twelve months prior to such date have held in his own right not less than one hundred pounds nominal value of the ordinary stock of the Company and if any person being an employee director shall while he is a director cease to hold as aforesaid at least such amount of stock he shall cease to be a director.

(3) The fees to be paid to an employee director for his attendance at meetings of the directors shall be fixed by the scheme and shall bear some proportion (to be so fixed) to the amount of the qualification not being less for each attendance than his ordinary day's pay nor more than four times that amount.

(4) The number of persons being directors under the provisions of this section shall be in addition to the number of directors referred to in the section of this Act of which the marginal note is "Number of directors."

(5) If and whenever any scheme made under the provisions of this section shall have ceased to have effect the directors may but subject to such provisions and with such sanction of the proprietors as aforesaid put in force and from time to time modify alter or rescind a new scheme or schemes.

(6) The scheme prepared and adopted under the powers of the recited Acts for the purpose of enabling employees holding ordinary stock of the Company to elect one or more of their number to be directors of the Company which shall be in effect at the commencement of this Act shall remain in effect for such period and subject to such terms and conditions as may be prescribed by such scheme but subject as aforesaid the provisions of this section shall apply to any such scheme as if it were a scheme made thereunder.

59. The quorum of a meeting of directors shall be four. A.D. 1928.

60.—(1) The qualification of a director (other than an employee director) shall be the possession in his own right of two thousand pounds ordinary stock of the Company.

Quorum of  
directors.  
Qualifica-  
tion of  
directors.

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

61.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors  
holding  
office under  
or contract-  
ing with  
Company.

(2) No director shall be disqualified from acting by reason of the fact that he has entered into a contract with the Company for the supply and consumption of gas.

A.D. 1928.

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Occasional  
vacancy  
among  
directors.

**62.** If any vacancy arises amongst the directors by reason of the death resignation or disqualification of a director or from any other cause between the date of any annual meeting of the Company and the subsequent annual meeting the directors may elect some person being duly qualified to fill such vacancy and any person so elected as aforesaid shall only continue in office by virtue of such election so long as the director in whose place he may be so elected would have been entitled to continue in office if such vacancy had not occurred but any such person if and so long as he continues duly qualified may be elected or re-elected a director by the proprietors of the Company in general meeting.

Notice of  
candidature  
for office of  
director.

**63.** Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at any meeting of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intended to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

Directors.

**64.** The present directors of the Company shall continue in office and shall retire at the respective dates at which they would have retired respectively if this Act had not been passed and shall if duly qualified be eligible on such retirement for re-election as directors of the Company.

As to ap-  
pointment  
of managing  
directors.

**65.**—(1) The directors may appoint one or more of their body to be managing director or managing directors either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director,

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes. A.D. 1928.  
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(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

66. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary of the Company. Determination of remuneration of secretary.

67.—(1) The auditors of the Company shall be members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or accountants approved by the Board of Trade and need not hold stock in the Company. Auditors.

(2) From and after the commencement of this Act no person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company fourteen days at least before the date of such meeting that such person will be proposed for election as an auditor of the Company and the secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such fourteen days and on the day of election fix a copy of such notice in some conspicuous place in such office.

#### GASWORKS AND LANDS.

68.—(1) Subject to the provisions of this Act the Company may upon the lands described in Part I of the First Schedule to this Act or such parts thereof as may from time to time be in the possession of the Company maintain and continue their existing gasworks and may upon those lands erect maintain alter improve and renew gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the limits of supply and may also upon the said lands work up Maintenance and construction of gasworks.

[Ch. lxxx.]      *South Suburban Gas* [18 & 19 GEO. 5.]  
Act, 1928.

A.D. 1928.      and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) Subject to the provisions of this Act the Company may upon the lands described in Part II of the First Schedule to this Act or such parts thereof as may from time to time be in the possession of the Company erect and maintain works for the storage of gas with all necessary machinery and apparatus connected therewith and do all such acts as may be proper for that purpose.

(3) The Company shall maintain non-deciduous trees on the north-west and north-east margins of the lands firstly described in Part II of the First Schedule to this Act (being a piece of land in the urban district of Bexley containing twenty-five poles or thereabouts) or with the consent in writing of the owner thereof the lands adjoining and immediately outside the said margins so as to provide always as far as practicable an efficient screen.

Purchase of  
lands by  
agreement  
for under-  
taking.

**69.** The Company may for the purposes of their undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands described in the First Schedule to this Act any lands buildings and hereditaments not exceeding in the whole one hundred and fifty acres which the Company may require for dwelling-houses for any of their employees or for offices or showrooms or for other the purposes of their works and undertaking and may erect fit up and maintain buildings upon any lands for the time being belonging to or leased to the Company provided that the Company shall not create or permit a nuisance on any lands acquired under the provisions of this section and no lands shall be used by the Company for the purpose of manufacturing gas or manufacturing or converting residual products except the lands described in Part I of the First Schedule to this Act.

Application  
of London  
Building  
Acts.

**70.** The provisions of the London Building Acts 1894 to 1923 and any Act amending or extending the same and any byelaws and regulations in force thereunder shall (subject to any special exemptions in favour of gas companies therein contained) apply to the construction or execution by the Company under the powers of this Act of any building structure or works in the administrative county of London.

71. The Company may sell or otherwise dispose of any lands or property for the time being belonging to them for the purposes of the undertaking and which may not at the time be required for the purposes of the undertaking upon such terms and conditions as the Company or the directors think fit and notwithstanding anything in the Gasworks Clauses Act 1871 the provisions of sections 128 to 132 of the Lands Clauses Consolidation Act 1845 shall not apply to any such sale or disposal :

A.D. 1928.

—  
Power to  
sell lands.

Provided that the provisions of this section shall apply only to lands which have been acquired by the Company by agreement.

#### SUPPLY.

72.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Acts 1847 and 1871 shall apply as if the street were a street within the meaning of those Acts.

Power to lay  
pipes in pri-  
vate streets.

(2) The local authority of the borough or district within which any street not repairable by the inhabitants at large is situate shall be deemed in addition to any other persons to be persons having the control or management of such street for the purposes of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The powers conferred upon the Company by this section shall not be exercised in respect of any street belonging to the Southern Railway Company except with the consent of that company. The said consent shall not be unreasonably withheld and if any difference arises between the said railway company and the Company as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon by the said railway company and the Company or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. The Company in carrying out the works authorised by this section shall not unreasonably obstruct or interfere with the access to any such street.

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As to laying  
of future  
mains.

**73.** From and after the commencement of this Act all mains laid by the Company in any street shall be laid at a depth of not less than two feet unless otherwise agreed between the local authority concerned and the Company.

For the purposes of this section the expression "street" shall not include a bridge.

As to con-  
struction  
and placing  
of pipes &c.

**74.** In order to enable the Company to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Company may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes with the fittings thereof which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry:

(2) (a) The Company shall publish once in the London Gazette and once in each of two newspapers circulating within the limits of supply a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice;

(b) As soon as practicable after the Board of Trade have approved any specification the Company

shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval; A.D. 1928.

- (c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the office of the Company and copies of every such specification shall be purchasable by any person at the said office at the price of sixpence for each copy :
- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Company accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :
- (4) The Company shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :
- (5) No such pipe or fitting as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Company and the pipe or fittings shall not be covered over until after the expiration of forty-eight hours from the service of such notice on the Company or until the pipe or fittings as laid or placed has or have been inspected and approved by the Company whichever shall first happen :
- (6) Any officer of the Company duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipe or fittings are not according to

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the appropriate specification of the Company they may refuse to supply gas to the premises until the provisions of this section have been complied with :

- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Company's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Company the like notice and the Company shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Company may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Company for the meter or a separate meter-house such meter may be placed in such accommodation or meter-house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to the Port of London Authority or a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that authority or company—

(a) elsewhere than between the main of the Company and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over:

- (9) For the purposes of this section the expression "fittings" includes only the sockets bends tees and connections of a similar character used in placing or laying pipes.

**75.** The Company with the consent of the owner and occupier of any building may lay any pipe branch or other necessary apparatus from any main or branch pipe into through or against such building for the purpose of lighting it and may with the like consent provide and set up any apparatus necessary for securing to such building a proper and complete supply of gas and for measuring and ascertaining the extent of such supply and may from time to time with the like consent repair replace alter or discontinue and remove any such pipe branch or apparatus.

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—  
Power to lay  
pipes  
against  
buildings.

**76.** The Company may purchase and may supply sell and let but shall not manufacture stoves ranges engines dynamos and meters pipes and fittings and apparatus for the automatic supply of and payment for gas and apparatus for lighting heating cooking ventilating or motive power or for any other purpose for which gas may be utilised and may fix remove or alter the same or any other fittings or apparatus (all which things fittings and apparatus are hereinafter referred to as and included in the expression "fittings") and do any work or services in connection therewith and may supply gas for the aforesaid purposes or by the aforesaid means or any of them and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Company and the persons to or for whom the fittings are sold let fixed repaired or removed.

Supply of  
fittings &c.

**77.** All gas engines stoves ranges pipes and other fittings let by the Company on hire or belonging to them but being upon premises of which the Company are not in possession shall whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate or to the soil under any such premises at all times continue to be the property of and be removable by the Company and shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark

Fittings not  
to be sub-  
ject to  
distress.

A.D. 1928. — conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

For the purposes of this section gas engines stoves ranges pipes and other fittings disposed of by the Company on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Company.

Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any gas engines stoves ranges pipes or other fittings are or shall be fixed.

Removal of  
fittings  
where sup-  
ply discon-  
tinued.

**78.** The power to enter premises and remove pipes meters fittings or apparatus conferred upon the Company by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into or being in occupation of any premises previously supplied with gas by the Company shall not require to take a supply of gas from the Company or to hire all or any of the engines stoves ranges pipes meters fittings or apparatus belonging to the Company.

Anti-fluc-  
tuators.

**79.—(1)** The Company may by notice in writing require a consumer of gas supplied by the Company and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Company may cease to supply him with gas.

(3) The Company may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Company and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test inspect and replace the anti-fluctuator such taking off removing testing inspecting and replacing to be done at the expense

of the Company if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer. A.D. 1928.  
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(4) For the purposes of this section an “anti-fluctuator” means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

**80.**—(1) Every consumer of gas supplied by the Company who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as “high-pressure air”) shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise. Valves for high-pressure air or gas.

(2) Every consumer of gas supplied by the Company who uses a gas compressor for increasing the pressure of gas after it has passed through the meter shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other approved appliance for preventing the pressure in the meter being so reduced as to damage the meter or the pressure in the main being so reduced as to affect the supply of gas to other consumers.

(3) It shall not be lawful for any consumer at any time after the commencement of this Act to commence to use high-pressure air or high-pressure gas unless and until he shall have given to the Company not less than fourteen days’ previous notice in writing of his intention so to do.

(4) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (6) of this section is using high-pressure air or high-pressure gas shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other

A.D. 1928. — appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or high-pressure gas unless he shall have complied with the requirement.

(5) If any consumer shall fail to comply with any requirement of the Company or any obligation under this section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(6) The Company shall give notice of the effect of the foregoing provisions of this section—

(a) In the case of all persons who at the commencement of this Act are consumers of gas supplied by the Company on the demand notes for gas charges payable to the Company issued next after that date; and

(b) In the case of any person becoming after the commencement of this Act a consumer of gas supplied by the Company on the first of such demand notes delivered to such person after he shall have become a consumer.

(7) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or high-pressure gas is used or the Company have reason to believe that high-pressure air or high-pressure gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such valve or appliance is provided and fixed where necessary.

(8) The Company shall be at liberty to take off inspect remove test and replace any such valve or other appliance as aforesaid such taking off inspecting removing testing and replacing to be done at the expense of the Company if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

Period of  
error in de-  
fective  
meters.

**81.** In the event of any meter used by a consumer of gas being tested in manner provided by regulations made by the Board of Trade under the Act of 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall

be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Company. A.D. 1928.  
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**82.** If any person supplied with gas by the Company uses or deals with the same so as to interfere unduly or improperly with the efficient supply of gas by the Company to any other person or if any person supplied with gas by the Company wilfully uses the same for a purpose other than the purpose for which the same is supplied the Company may if they think fit cease to supply gas to such person. For prevention of improper use of gas.

**83.** Notwithstanding anything in any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Company a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed with the Company to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889. Stand-by supply.

**84.** If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to them all gas charges and meter rent due from him to the Company they may refuse to furnish to him a supply of gas until he pays the same. Refusal of supply to persons in debt for other premises.

**85.** At least twenty-four hours' notice shall be given to the Company by every gas consumer either personally at the office of the Company or in writing before he shall quit any premises supplied with gas by meter by the Company and in default of such notice the consumer so Consumers to give notice before removing.

A.D. 1928. — quitting shall be liable to pay to the Company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Company to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Company.

As to mode  
of cutting  
off supplies.

**86.**—(1) In any case in which the Company are by virtue of any enactment relating to their undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Company without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Company) and any person who shall reconnect such service pipe with the meter without the consent of the Company shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847 :

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Company (subject to the provisions of section 22 of the Gasworks Clauses Act 1871) shall have and may exercise the like powers of entry as are exerciseable under that section.

Expenses of  
reconnect-  
ing discon-  
tinued  
supply.

**87.** In any case in which in consequence of any default on the part of the occupier of any premises the Company have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Company the expenses of reconnecting the supply and the Company shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

#### POWER GAS.

Provisions  
as to charges  
and condi-  
tions in re-

**88.**—(1) Notwithstanding anything contained in this Act the provisions of sections 11 12 24 to 34 36 and 37 of the Gasworks Clauses Act 1871 and any provisions

of the Act of 1920 which may otherwise apply to the Company shall not apply to the Company in respect to power gas supplied by them and the Company may charge in respect of power gas such sums as may be agreed between the Company and the occupier of any premises to which the same is supplied.

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—  
spect of gas  
supplied for  
power.

(2) In this Act the expression "power gas" means gas which possesses a distinctive and readily perceptible smell supplied for any industrial or manufacturing purpose to any premises except a building used for domestic purposes but does not include gas which is supplied by the Company in accordance with the general provisions of this Act and the provisions of the Act of 1920 which by this Act apply to the Company.

**89.**—(1) It shall not be lawful for the Company at any time to supply power gas which does not possess a distinctive and readily perceptible smell.

Conditions  
as to quality  
of power  
gas sup-  
plied.

(2) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their districts so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 section 98 of the Coal Mines Act 1911 and section 17 of the Metalliferous Mines Regulation Act 1872 respectively :

Provided that no proceedings shall be taken against the Company by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Company at their principal office of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

**90.** The Company shall not supply power gas for the purpose of illumination and no power gas supplied by the Company shall be used for that purpose save that power gas may be used for illuminating by means of incandescent burners any premises to which such power

Power gas  
not to be  
supplied for  
illumina-  
tion.

A.D. 1928. — gas is supplied in accordance in all other respects with the provisions of this Act.

If any person supplied by the Company with power gas shall use the same for the purposes of illumination the Company may forthwith upon becoming aware thereof discontinue the supply.

If the Company act in contravention of the provisions of this section they shall for every such offence be liable to a penalty not exceeding twenty pounds and to a penalty not exceeding five pounds for each day during which such offence shall continue after conviction thereof.

Home  
Secretary  
may make  
regulations  
as to supply  
of power  
gas.

**91.**—(1) The Secretary of State for the Home Department may at any time either before or after the Company shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Company) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply.

(2) The Company shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force. Provided that if in the opinion of the Company compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Company upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Company shall not be under any obligations to supply or continue to supply power gas to any person.

(3) For every contravention of this section the Company shall be liable on summary conviction to a fine not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the

section of this Act of which the marginal note is "Con- A.D. 1928.  
 ditions as to quality of power gas supplied."

**92.** In calculating for the purposes of the section of this Act of which the marginal note is "Division of surplus profits" the amount which has been paid for power gas as defined in the section of this Act of which the marginal note is "Provisions as to charges and conditions in respect of gas supplied for power" supplied in any year or half-year an addition shall be made to such amount for each therm of such gas supplied in such year or half-year as shall be certified by the auditors of the Company to be the amount by which the cost of such gas to the Company is less than the cost to them of gas not being power gas. As to calculation of price.

**93.** Save so far as is by this Act expressly provided nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the commencement of this Act or from any regulations which may be made under any such general Act. Provisions as to general Acts relating to power gas.

#### PROTECTIVE PROVISIONS.

**94.** Seven days before entering upon breaking up or otherwise interfering with any street or road within the area of the metropolitan police district the Company shall except in case of emergency or in the laying replacing or repairing of consumers' service pipes give notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said Commissioner of Police as may be reasonably necessary so as to cause as little interference with the traffic in such street or road during the construction of such works as may be reasonably practicable. As to breaking up of streets in metropolitan police district.

**95.** For the protection of the London County Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect with regard to the laying or constructing of any buildings mains pipes or apparatus (other than service pipes) of the Company over across under or adjacent to or so as to interfere with any sewer of the council (that is to say):— For protection of London County Council.

- (1) The Company shall not commence any such works until they shall have given to the council

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twenty-one days' previous notice in writing of their intention so to do by leaving such notice at the principal office of the council with plans and sections showing the position in which it is proposed to lay or place the said works and if the council shall signify their approval of such plans and sections or shall fail for a period of twenty-one days after such submission to signify their approval or disapproval thereof the work shall be carried out by the Company in accordance with such plans and sections :

- (2) In the execution of the said works the Company shall comply with and conform to all reasonable directions of the council and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers by reason of the said works of the Company or any part thereof and shall save harmless the council against all and every expense to be occasioned thereby :
- (3) All such new altered substituted or protective works as aforesaid shall be carried out by or under the direction and superintendence (if the same be given) of the chief engineer of the council or his representative at the costs charges and expenses of the Company :
- (4) When any new altered substituted or protective works as aforesaid shall be completed under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council as any of their sewers now or hereafter may be :
- (5) Nothing in this section shall prejudice or affect any rights powers or authorities vested in the council by this Act or by any other Act in force at the passing of this Act.

For protec-  
tion of Kent  
County  
Council.

**96.** For the protection of the Kent County Council (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Company and the county council

have effect in relation to the laying of pipes by the Company in or upon any main road or county bridge repairable by the county council in the parishes of Cudham Downe and Halstead in the county of Kent :—

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- (1) All pipes to be laid in along or across the carriageway of any such road or bridge shall be laid in such position as the county council in writing under the hand of their surveyor may reasonably direct and at such depth as to leave not less than two feet six inches of cover between the surface of such carriageway and the top of the barrel of the pipe :
- (2) The Company shall not open a greater continuous length of any such road than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast :
- (3) In the application for the purposes of this section of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall (except in cases of emergency in which cases the earliest possible notice shall be given) be not less than seven days instead of three days and the plan required by section 9 of the said Act shall be delivered by the Company to the county council or the said surveyor not less than seven days before they commence to open or break up any such road or interfere with any such bridge as aforesaid :
- (4) Nothing in this Act contained shall interfere with the right of the county council to alter the line or level of or improve in any manner they think fit any such road in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor of the county council so to do proceed to alter the position of any such pipes in the manner and

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to the extent prescribed by such notice or in case of difference determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration shall be paid to the Company by the county council :

- (5) All works of the Company so far as they affect any such road or bridge as aforesaid shall be so executed by the Company as not so far as reasonably practicable in any way to impede or interfere with the traffic on such road or bridge or the approaches thereto :
- (6) If any difference arise at any time between the county council and the Company under this section such difference shall be settled by arbitration by an engineer to be agreed on between the county council and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

For protec-  
tion of local  
authorities.

**97.** For the protection of the local authority the following provisions shall unless otherwise agreed between the local authority and the Company have effect (that is to say) :—

In this section the expression “local authority” shall be deemed to refer to the mayor aldermen and councillors of the metropolitan borough of Lambeth the mayor aldermen and burgesses of the borough of Croydon and the mayor aldermen and burgesses of the borough of Bromley in relation to streets and bridges within the said boroughs respectively to the councils of the urban districts of Beckenham Bexley Chislehurst Dartford Erith and Sidcup respectively in relation to streets and bridges within such urban districts respectively and to the council of the rural district of Bromley in relation to streets and bridges within such rural district and the expression “the clerk” and “the surveyor” shall mean in relation to the said boroughs the town clerk and the borough surveyor of such boroughs respectively and in relation to the said urban and rural districts the clerk and the surveyor of the local authority :

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- (1) All pipes to be laid in along or across the carriage-way of any street or bridge shall be laid in such position as the local authority in writing under the hand of the surveyor may reasonably direct and at such depth as to leave in any case where the local authority may reasonably so require not less than two feet six inches of cover between the surface of such carriageway and the top of the barrel of the pipe :
- (2) The Company shall not open a greater continuous length of street than one hundred yards nor shall they leave a less space than fifty yards between any two consecutive openings and they shall not open a greater length than fifty yards at any place where such opening would leave insufficient space for the passage of two vehicles abreast :
- (3) In the application of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the notice required by section 8 of that Act shall (except in cases of emergency in which cases the earliest possible notice shall be given) be not less than seven days instead of three days :
- (4) The plan required by section 9 of the said Act of 1847 shall be delivered by the Company to the local authority or the surveyor not less than seven days before they commence to open or break up any road or interfere with any bridge :
- (5) Nothing in this Act contained shall interfere with the right of the local authority to alter the line or level of or improve in any manner they think fit any street in or along which any pipes of the Company shall have been laid and the Company shall on the expiration of fourteen days after receiving notice in writing under the hand of the clerk or surveyor so to do proceed to alter the position of any such pipes in the manner and to the extent prescribed by such notice or in case of difference determined by arbitration in the manner hereinafter prescribed

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and the expenses of any such alteration shall be paid to the Company by the local authority :

(6) All works of the Company so far as they affect any streets and bridges shall be so executed by the Company as not so far as reasonably practicable in any way to impede or interfere with the traffic on any road or over any bridge or the approaches thereto :

(7) If any difference arise at any time between the local authority and the Company under this section such difference shall be settled by arbitration by an engineer to be agreed on between the local authority and the Company and failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party.

For protec-  
tion of  
Croydon  
Corporation.

**98.** For the protection of the mayor aldermen and burgesses of the borough of Croydon (in this section called "the corporation") the following provisions shall (unless otherwise agreed in writing between the Company and the corporation) apply and have effect (that is to say) :—

The Company shall not except with the consent in writing of the corporation use for the storage of gas any lands in the borough of Croydon acquired or held by them under the powers of this Act.

For protec-  
tion of Erith  
Urban  
District  
Council.

**99.** Nothing in this Act shall be deemed to empower the Company except with the consent in writing of the urban district council of Erith to erect fit up make maintain or use any factory or workshop or store any gas coal or residual products on any lands from time to time held by the Company and which may form any part of the lands situate at Abbey Wood recently acquired by the Company and containing one hundred acres or thereabouts and which lands were heretofore part of Abbey Wood and Lessness Abbey Farm in the urban district of Erith.

For protec-  
tion of  
Metropoli-  
tan Water  
Board.

**100.** For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall (unless otherwise agreed in writing between the board on the one hand and the

Company on the other hand) have effect (that is to say) :— A.D. 1928.

Before the Company shall commence to lay or place any mains or pipes other than service pipes in any street or road in the parishes of Cudham Downe Halstead and Shoreham in the county of Kent or any of them as regards which the board shall have given notice in writing to the Company of the existence therein of mains pipes culverts valves hydrants syphons plugs or other works (in this section referred to as “ apparatus ”) of the board they shall deliver to the board for the approval of the engineer of the board plans and sections showing the position in which it is proposed to lay or place such mains or pipes and if such engineer shall signify his approval of such plans and sections or shall fail for a period of fourteen days after such submission to signify his approval or disapproval thereof the work shall be carried out by the Company in accordance with such plans and sections Provided that if such engineer within the said period shall have expressed his disapproval of the said plans and sections the Company shall not commence to lay or place such mains or pipes unless and until plans and sections showing the position in which such mains or pipes are to be laid shall have been settled by an engineer to be agreed upon or failing such agreement to be appointed upon the application of either of the parties in difference by the President of the Institution of Civil Engineers.

**101.** For the protection of the Southern Railway Company (in this section referred to as “ the railway company ”) the following provisions shall unless otherwise agreed in writing between the Company and the railway company have effect (that is to say) :—

For protection of Southern Railway Company.

- (1) In this section the expression “ the works of the Company ” means all works (including works of construction renewal maintenance repair or removal) executed by the Company within the limits of supply in pursuance of this Act or of the recited Acts or of any Act incorporated therewith which involve interference

A.D. 1928.

with or in any way injuriously affect the railways bridges approaches level crossings and works of the railway company (in this section together referred to as "the railways of the railway company") :

- (2) The works of the Company shall be executed under the superintendence (if given) and to the reasonable satisfaction of the chief engineer of the railway company (in this section referred to as "the engineer") and shall be carried out at such times in such manner and according to such plans and sections as may be previously submitted to and approved in writing by him or in case of difference determined by arbitration in manner hereinafter provided. Provided that if the engineer does not express his approval or disapproval of the said plans and sections within twenty-eight days after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (3) The works of the Company shall be executed by and at the expense of the Company and so as to cause as little injury as may be to the railways of the railway company and so as not to cause any interference with their traffic :
- (4) The Company shall restore and make good to the satisfaction of the engineer the railways of the railway company which may be disturbed or interfered with by or owing to the works of the Company :
- (5) If the engineer shall think it necessary in any case for the works of the Company (other than the actual laying down of mains or pipes) to be executed or carried out by the railway company and before the commencement thereof shall notify to the Company the desire of the railway company to execute and carry out the same such works may be executed and carried out by the railway company accordingly in accordance with plans and sections so approved or determined as aforesaid and the expense incurred by the railway company in so doing shall on demand be repaid to them by the Company :

- (6) The Company shall if required so to do by the engineer provide and maintain such stop-cocks as may be reasonably necessary on any mains or pipes to be laid by the Company on over under or in any way affecting the railways of the railway company : A.D. 1928.
- (7) The Company shall bear and on demand pay to the railway company the reasonable cost of watching lighting and protecting the railways of the railway company during the carrying out of the works of the Company and the superintendence of the engineer (if given) shall not relieve the Company from any liability which would otherwise attach to them for any accident which might be occasioned by or through the said works or by their contractors agents or workmen :
- (8) If any injury or damage to the railways of the railway company or interference with their traffic shall in any way arise owing to the construction existence or failure of the works of the Company the Company shall make full compensation to the railway company in respect thereof :
- (9) The works of the Company shall be at all times maintained in good repair by the Company and in default of their being so maintained the railway company may from time to time by notice in writing signed by the engineer and delivered at the principal office for the time being of the Company require the Company forthwith to put into good repair the works of the Company which may be in want of repair and if the Company for seven days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the railway company without any further notice to the Company may repair the same and all expenses incurred by them in or about such repair shall be repaid to them by the Company Provided that in case of accidents happening or immediate danger being apprehended to the railways of the railway company by reason of the works of the

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Company being in want of repair the railway company may without giving such notice as aforesaid make such repairs as may be immediately necessary and the expenses of the same shall on demand be repaid as hereinbefore provided :

- (10) The Company shall from time to time pay to the railway company any additional expense which the railway company may reasonably incur in effecting any repair renewal widening alteration or extension under any now existing statutory powers of the railways of the railway company by reason of the existence of any mains pipes apparatus or works of the Company in over upon across or under the railways of the railway company :
- (11) Any difference which may arise between the Company and the railway company under the provisions of this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protec-  
tion of Port  
of London  
Authority.

**102.** For the protection of the Port of London Authority (in this section called " the port authority ") the following provisions shall unless otherwise agreed between the Company and the port authority apply and have effect (that is to say) :—

- (1) Nothing in the section of this Act of which the marginal note is " Use of landing stage at Greenwich " or in any agreement entered into thereunder shall be deemed to take away limit alter or prejudicially affect any right power authority jurisdiction or privilege of the port authority or permit the Company to use the landing stage of the South Metropolitan Gas Company at East Greenwich in contravention of the terms of any licence or permission granted by the port authority or their predecessors and relating to such landing stage or in contravention of any provisions of any Act relating to the port authority :

- (2) Nothing in this Act or in the provisions set out in the Fourth Schedule to this Act shall authorise the Company to contravene or prejudice or shall affect the powers of the port authority under any of the provisions of the Port of London (Consolidation) Act 1920 relating to the prevention of pollution of the river Thames. A.D. 1928.

**103.** 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 or constructing of any buildings mains pipes or apparatus of the Company over across under or adjacent to any sewer of the board (that is to say):—

For protec-  
tion of West  
Kent Main  
Sewerage  
Board.

- (1) The said works shall be so laid or constructed as not to reduce the discharging power of any sewer and the Company shall so carry such mains pipes or 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:
- (2) The Company shall not commence any such works until they shall have given to the board fourteen 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 or place the said works and if the board shall signify their approval of such plan and section or shall fail for a period of fourteen 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 or place the said works 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 said works are to be laid shall have been settled by an engineer

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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 the execution of the said works the Company shall comply with and conform to all reasonable directions of the board and shall provide by new altered or substituted works in such manner as the board shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers by reason of the said works of the Company or any part thereof and shall save harmless the board against all and every expense to be occasioned thereby:
- (4) All such new altered substituted or protective works as aforesaid shall be carried out by or under the direction and superintendence (if the same be given) of the engineer of the board or his representative at the costs charges and expenses of the Company:
- (5) When any new altered substituted or protective works as aforesaid shall be completed under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the board as any of their sewers now or hereafter may be.

For protec-  
tion of  
Imperial  
Chemical  
Industries  
Limited.

**104.** For the protection of the Imperial Chemical Industries Limited the following provisions shall unless otherwise agreed between the Company and the Imperial Chemical Industries Limited apply and have effect (that is to say):—

The quantity of any residual product arising from the manufacture of gas by other gas undertakers and purchased by the Company in any year for use at any works erected by the Company on the lands being the lands numbered 253 296 296A 301 302 376 377 397 to 402 (both inclusive) 408 409 411 and 412 in the urban district of Erith on the  $\frac{1}{2500}$  scale Ordnance map (edition 1909 Kent sheets II 4 and 8) shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by the Company on those lands and the Company

shall not on such lands manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakers is merely subsidiary. A.D. 1928.  
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MISCELLANEOUS.

**105.** Notwithstanding the exception contained in section 64 (Providing for amalgamation of the Company) of the South Metropolitan Gaslight and Coke Company's Act 1876 the Company may (subject to the provisions of that section and of section 8 (As to amalgamation outside metropolis) of the South Metropolitan Gas Act 1925) amalgamate their undertaking with that of the South Metropolitan Gas Company and that exception is hereby repealed. Amending section 64 of South Metropolitan Gaslight and Coke Company's Act 1876.

In the event of any scheme for such an amalgamation under the said section 64 of the said Act of 1876 being submitted to the Board of Trade notice shall be given by the Board of Trade to every local authority within the limits of supply and the Board shall receive and consider any objections and representations made by any such local authority.

**106.** The Company may from time to time agree in writing with any company supplying or having power to supply gas within or adjoining the limits of supply for determining the bounds beyond which the parties to any such agreement shall not supply gas without the consent in writing of the other party to such agreement and thenceforth during the continuance of such agreement the portion of the parish township hamlet or place beyond such bounds shall be deemed to be without the limits of the company which shall so have agreed not to supply therein and every such agreement may from time to time be varied or annulled by the mutual consent in writing of the parties thereto. Agreements with neighbouring companies.

**107.**—(1) The Company may acquire hold and use any patent rights not being exclusive rights or licences for the use of or inventions in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. Licences for patents.

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(2) Notwithstanding anything contained in any enactment a patent may on the application of the Company and of the inventor of any invention relating to the business of the Company be granted to the Company and such inventor jointly and in any such case the Company and the said inventor shall respectively have all the rights and remedies of joint grantees of a patent under the Patents and Designs Acts 1907 and 1919 or any statutory modification thereof for the time being in force.

Interest on  
deposits.

**108.** If any person is required by the Company to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Company shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Supply and  
purchase of  
gas in bulk.

**109.** The Company may contract with any local authority company or persons for the supply by the Company to them or for the supply to the Company by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Company to lay any mains or interfere with any street beyond the limits of supply :

Provided that the Company shall not supply gas under any such contract beyond the limits of supply if and so long as the giving of such supply would interfere with the supply of gas within those limits.

Use of  
landing  
stage at  
Greenwich.

**110.** The Company may enter into an agreement with the South Metropolitan Gas Company for the use of their landing stage at East Greenwich for the landing and delivery of coals and other matters incidental to and necessary for the operations of the Company as a gas company.

Authentica-  
tion and  
service of  
notices &c.

**111.** Any notice to be served by the Company on a person supplied with gas shall be sufficiently authenticated by the signature of the secretary of the Company or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or by a stamp or if it be a notice to pay any

charge in respect of a supply of gas or gas fittings by the name either of the secretary or such other officer as aforesaid being affixed thereto in writing or in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or if the place of abode or business of the person to be served is after proper inquiry unknown it shall in the case of any notice (not being a notice to pay any charge) be sufficient to deliver the notice to some resident of the premises supplied or if the premises be unoccupied to affix the notice or a copy thereof upon some conspicuous part of the premises.

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**112.** In any case in which the Company are required to serve any notice upon or give notice to the consumers of gas supplied by them in the whole or any part of the limits of supply the Company shall not for any purpose be required to furnish proof of the service of such notice upon or the giving of such notice to any particular consumer or consumers if they shall have advertised such notice in the London Gazette and in such newspaper or newspapers published or circulating within the limits of supply or within that part of the limits of supply to which the said notice relates as will in the opinion of the directors best give publicity to the said notice.

As to proof  
of service of  
notices upon  
consumers.

**113.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for such recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of  
demands.

**114.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
penalties  
&c.

A.D. 1928.

Costs of  
Act.

**115.** 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 in whole or in part be charged against revenue.

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The SCHEDULES referred to in the foregoing Act.

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**FIRST SCHEDULE.**

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**PART I.**

**IN THE COUNTY OF LONDON.**

A piece of land in the metropolitan borough of Lewisham situate on the east side of Bell Green and Perry Hill and bounded on the north in part by land belonging or reputed to belong to the British Land Company Limited and in other part by land belonging or reputed to belong to the Leathersellers Company on the east by the Mid-Kent line of the Southern Railway on the south or south-west by Southend Lane and by a hall situate in rear of Crown Place Southend Lane and by the approach to such hall and on the west in part by such last-mentioned hall and approach in part by Nos. 35 37 39 and 41 Bell Green and in other part by Bell Green and Perry Hill.

A piece of land in the metropolitan borough of Lewisham situate on the south-west side of Southend Lane and bounded on the north-west by Southend Lane on the south by a block of shops known as Nos. 1 to 9 The Pavement and the ground in rear thereof and on the west in part by Nos. 19 to 29 Stanton Square Bell Green and in other part by a cottage in Southend Lane belonging or reputed to belong to Charles Horrell.

**IN THE COUNTY OF KENT.**

A piece of land in the borough of Bromley containing 5 acres 2 roods and 4 perches or thereabouts and bounded on the north-east by the river Ravensbourne on the south and south-east partly by Homesdale Road and in other part by the Southern Railway and on the west by a field belonging or reputed to belong to the Kent County Council.

A piece of land in the parish of St. Pauls Cray in the rural district of Bromley containing 5 acres 0 roods and 4 perches or thereabouts situate on the west side of the Cray and Orpington by-pass road and being the inclosure numbered in the said parish 70 on the 1/2500 Ordnance map (Kent sheet XVI. 3 edition 1909). A.D. 1928.

A piece of land in the parish of Crayford in the rural district of Dartford containing 1 acre 1 rood and 34 perches or thereabouts situate at the junction of Old Road (Watling Street) with Dover Road and being the inclosure numbered in the said parish 286 on the 1/2500 Ordnance map (Kent sheet IX. 1 edition 1909).

A piece of land in the urban district of Dartford situate on the north side of Victoria Road and bounded on the north in part by land belonging or reputed to belong to the Erith and Dartford Lighterage Company Limited and in other part by Plough Court on the east in part by Beulah Cottage Victoria Road Nos. 106 and 108 Hythe Street the Hufflers Arms public-house and Nos. 112 to 130 (even numbers) Hythe Street and in other part by Hythe Street on the south by Victoria Road and on the west by land belonging or reputed to belong to the Erith and Dartford Lighterage Company Limited.

A piece of land in the urban district of Dartford situate on the east side of Hythe Street and bounded on the north by Bridge Lane and by Dartford Creek on the east by Dartford Creek on the south by the Daren flour mills belonging or reputed to belong to Keyes Daren Mills Limited and on the west by Hythe Street.

A piece of land in the village of South Darenth in the parish of Horton Kirby in the rural district of Dartford containing 2 roods or thereabouts and forming part of the gardens belonging to a block of cottages known as Nos. 1 to 12 Prospect Place and bounded on the north by the remainder of the said gardens on the east by a pathway leading from New Road South Darenth to East Hill on the south by New Road and on the west by the road leading from Horton Kirby under the Southern Railway past the Horton Kirby Paper Mills to the bridge over the river Darenth.

Lands in the urban district of Erith lying between the river Thames on the north and the North Kent line of the Southern Railway on the south and comprising the fields or closes respectively numbered in the said urban district 253 296 296A 301 302 361 362 363 366 367 368 372 373 374 375 376 377 397 to 402 (inclusive) 408 409 411 and 412 on the 1/2500 Ordnance map (Kent sheets II. 4 and 8 edition 1909).

## PART II.

### IN THE COUNTY OF KENT.

A piece of land in the urban district of Bexley containing 25 poles or thereabouts in the rear of certain houses known as

A.D. 1928. — Nos. 1 to 8 Mortimer Terrace Upper Wickham Lane bounded on the north-west by the gardens to the said houses on the north-east in part by inclosure numbered in that urban district 666 on the 1/2500 Ordnance map (Kent sheet II. 15 London sheet cviii (part of) (edition 1909)) and on the south by the inclosure numbered in the said urban district 660 on the said map.

A piece of land situate at the northern end of Charm Wood in the parish of Chelsfield in the rural district of Bromley being part of the inclosure numbered in that parish 121 on the 1/2500 Ordnance map (Kent sheet XXVIII. 3 edition 1909) and bounded on the west and south sides by other parts of the said inclosure numbered 121 on the north in part by inclosure numbered in that parish 148 and in part by inclosure numbered in that parish 123 on the said Ordnance map and on the east in part by other parts of the said inclosure numbered 121 in part by the roadway numbered in that parish 124 on the said map and in part by the said inclosure numbered 123.

A piece of land in the parish of Cudham in the rural district of Bromley containing 1 acre or thereabouts being part of inclosures numbered in the said parish 345 and 346 on the 1/2500 Ordnance map (Kent sheet XXVIII. 14 edition 1909) and bounded on the north-west and south sides thereof by other parts of the said inclosures numbered 345 and 346 and on the north by the footpath leading from South Street to Grays Farm and on the west by the road leading from Cudham to Hawleys Corner.

A piece of land in the parish of Farningham in the rural district of Dartford being part of the inclosure numbered in the said parish 227 on the 1/2500 Ordnance map (Kent sheet XVII. 11 edition 1908), and bounded on the south and east by other parts of the said inclosure numbered 227 on the north by the inclosure numbered in the said parish 207 on the said Ordnance map and on the west by the road leading from Farningham to Maplescombe.

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## SECOND SCHEDULE.

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### LIST OF ACTS AND ORDERS REPEALED.

- The Crystal Palace District Gas Company's Act 1858.
- The Bromley Gas Act 1865.
- The Crays Gas Act 1865.
- The Crystal Palace District Gas Company's Amendment Act 1865.

The West Kent Gas Act 1867.

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The Crystal Palace District Gas Act 1873.

The Bromley Gas Act 1879.

The Crystal Palace District Gas Act 1879.

The Dartford Gas Act 1880.

The Crystal Palace District Gas Act 1893.

The Crays Gas Act 1897.

The Bromley Gas Act 1902.

The South Suburban Gas Act 1904.

The South Suburban Gas Act 1905.

The South Suburban Gas Act 1906.

The Bromley and Crays Gas Act 1908.

The Dartford Gas Act 1908.

The South Suburban Gas Act 1912.

The West Kent Gas Order 1912 (confirmed by the Gas and  
Water Orders Confirmation Act 1912).

The South Suburban Gas Act 1914.

The South Suburban Gas Act 1918.

The South Suburban Gas Act 1920.

The South Suburban Gas Company (Capital Issues) Consent  
1920.

The South Suburban Gas (Charges) Order 1921.

The South Suburban Gas Order 1923.

The South Suburban Gas Order 1926.

The South Suburban Gas (Charges) Amending Order 1926.

The South Suburban Gas Order 1927.

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### THIRD SCHEDULE.

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#### REGULATIONS AS TO NOMINATIONS BY PERSONS IN THE EMPLOY OF THE COMPANY TO TRANSFER STOCK &C. AND AS TO PAYMENT OF DEPOSITS OF DECEASED DEPOSITORS.

(1) In these regulations "the Company" means the South Suburban Gas Company "directors" means the directors of the Company "stock" means ordinary stock of the Company "appointor" means the person entitled to make a nomination under the provisions of the section of the South Suburban Gas Act 1928 the marginal note whereof is "Nominations by employees for transfer of stock held by them" and "deposits" has the meaning given thereto in the same section.

(2) Every such nomination shall be in writing and shall be signed by the appointor in the presence of a witness and shall be sent by post or otherwise to the secretary to the Company

A.D. 1928. — during the lifetime of the appointor The receipt of every such nomination shall be acknowledged by the secretary to the Company.

(3) Every such nomination shall be in the form prescribed by the directors which may be obtained from the secretary to the Company.

(4) Every such nomination shall be registered by the secretary to the Company.

(5) Any such nomination may be revoked by the appointor by writing under his hand signed in the presence of a witness.

Any such revocation shall be sent by post or otherwise to the secretary to the Company during the lifetime of the appointor and shall be registered by the secretary to the Company in like manner as in the case of a nomination The receipt of every such revocation shall be acknowledged by the secretary to the Company.

(6) A nomination may relate to the whole of the stock and deposits standing in the name of an appointor or to part only of such stock and deposits.

(7) Except where otherwise stated a nomination shall be deemed to extend to all stock and deposits to which an appointor is entitled at the time of his decease but an appointor may in a nomination expressly exclude any part of such stock or deposits from the operation of such nomination.

(8) A nomination may be in favour of one person or of several persons and in the latter case may direct that the stock shall be registered in the name of and that the deposits shall be paid to one or more of the persons named in the nomination or that the persons named in such nomination may be registered as owners of the stock and may take the deposits or any of them respectively in specified shares or may give directions to both effects.

(9) No person who witnessed the signature of an appointor to a nomination shall take any benefit under such nomination.

(10) Where the value of the stock and deposits belonging to an appointor at the time of his decease does not exceed in the whole the sum of one hundred pounds the directors shall subject to the provisions of these regulations as to duty transfer such stock and pay such deposits to the persons named in the nomination made by the appointor and in force at the time of his death according to the directions of such nomination and the receipt of any person so named shall be a good discharge to the directors for the sum so paid notwithstanding such person has not attained the age of twenty-one years if such person has attained the age of sixteen years.

(11) If upon the decease of an appointor the value of the stock and deposits belonging to him or to his estate exceed one hundred pounds the nomination shall take effect subject to the provisions of these regulations as to duty as regards any stock or deposits to which the same relates not exceeding one hundred pounds in like manner as if it were a will of the deceased appointor duly executed but shall not take effect in any other manner and a nomination shall not in such case be deemed void because the appointor was a minor at the time such nomination was made. A.D. 1928.  
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In any such case as last aforesaid the directors may subject to the provisions of this regulation transfer any stock and pay any deposits to which a nomination relates not exceeding in the aggregate one hundred pounds according to the directions of such nomination notwithstanding the production of probate of the will of a deceased appointor or letters of administration to his estate.

(12) Where any person nominated to receive any stock or deposits on the death of an appointor is an infant under the age of sixteen years and it is proved to the satisfaction of the directors that funds are urgently needed for the maintenance education or benefit of such infant the directors may transfer or pay the stock or deposits mentioned in the nomination or any part thereof to any person who may satisfy the directors that he will apply such money for the maintenance education or benefit of such infant and the receipt of such person shall be a good discharge to the directors for the amount so paid.

(13) The directors may require proof to their satisfaction of the decease of an appointor.

(14) Where the value of the stock and deposits belonging to an appointor at the time of his decease do not altogether exceed one hundred pounds exclusive of interest and probate of the will of such appointor or letters of administration to his estate and effects is not or are not produced within such time as the directors think reasonable if such appointor has made no nomination and so far as any nomination does not extend the directors may subject to the provisions of these regulations as to duty without requiring probate of the will or letters of administration of the estate and effects of the deceased appointor in their discretion register such stock in the name of and pay or distribute the amount so due as aforesaid or any part thereof to or among any of the persons hereinafter described or indicated (that is to say) :—

- (a) Any person who has paid the funeral expenses of the appointor in repayment of those expenses to such extent as the directors shall deem it reasonable to allow ;
- (b) The widow of the appointor ;
- (c) Any person or persons undertaking to maintain the children of the appointor ;

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(d) The person or persons entitled in distribution to the residuary estate of the appointor in accordance with the provisions of section 46 (1) (i) to (v) inclusive of the Administration of Estates Act 1925 or such one or more of those persons (if more than one) as the directors think fit and in default of any such person to the solicitor for the affairs of His Majesty's Treasury.

(15) If the total property of any deceased appointor exceeds one hundred pounds after deduction of debts and funeral expenses any stock or deposits which may under these regulations be transferred or paid otherwise than to the legal personal representative of the appointor shall notwithstanding such transfer or payment be for the purposes of estate duty treated as passing under the will or intestacy of the deceased appointor.

The directors shall before transferring or paying any stock or deposits standing to the credit of a deceased appointor to anyone but the legal personal representative of such deceased appointor require a declaration by the claimant or one of the claimants or other the person to whom the directors see fit to make such payment or to transfer such stock that the total estate of the deceased appointor including the amount of such moneys or stock does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

In every such case as aforesaid where the total estate of the deceased appointor including such stock and deposits but after deduction of debts and funeral expenses exceeds one hundred pounds the directors shall before making any transfer or payment as aforesaid to any person other than the legal personal representative of the deceased appointor require production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the succession or legacy duty payable in respect of such stock or deposits or of a certificate stating that no succession or legacy duty is payable.

The receipt of any of the persons mentioned in these regulations shall be a good discharge to the directors for the sum paid and any such receipt may be signed by any widow or next of kin above the age of sixteen years notwithstanding that she or he has not attained the age of twenty-one years.

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FOURTH SCHEDULE.

A.D. 1928.

SECTIONS OF THE SOUTH SUBURBAN GAS ACT 1914  
WHICH BY THIS ACT ARE SAVED FROM REPEAL.

PART I.

INTRODUCTORY.

1. This Act may be cited as the South Suburban Gas Act Short title.  
1914.

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3. The following Acts and parts of Acts are (except so far as the same are expressly varied by or are inconsistent with the provisions of this Act) incorporated with and form part of this Act (namely) :—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

Part I. (Construction of a railway) of the Railways Clauses Act 1863; and

Sections 14 15 28 99 and 100 of the Harbours Docks and Piers Clauses Act 1847 and the provisions of that Act with respect to the construction of the harbour dock or pier and with respect to the construction of warehouses wharfs and other conveniences (except section 22 of that Act) :

Provided that for the purposes of the said Railways Clauses Consolidation Act as applying to the works by this Act authorised such works shall be deemed to be the railway and the centre lines of the said works shown on the deposited plans shall respectively be deemed to be the centre of the railway :

Provided also that in construing section 14 of the Harbours Docks and Piers Clauses Act 1847 the words "take any rates in respect" shall for the purposes of this Act mean "use or enter into any agreement or arrangement for the use" and that in construing section 28 of the same Act the expressions "packet-boat" and "post-office packet" shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "post office bag of letters" shall mean a mail bag as defined by the same Act but nothing in the said section or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers live stock or goods for hire.

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Interpreta-  
tion.

4. In this Act—

The several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression “the Company” means the South Suburban Gas Company;

The expressions “the wharf” “the jetty” and “the railway siding” mean respectively the wharf landing stage or river wall the jetty and the railway siding by this Act authorised;

\* \* \* \* \*

“The signed plan” means the plan referred to in the section of this Act of which the marginal note is “As to construction of wharf.”

PART II.

CONSTRUCTION OF WORKS.

Power to

make works.

5. Subject to the provisions of this Act the Company may in the parish and urban district of Erith in the county of Kent make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described (that is to say) :—

A wharf landing stage or river wall (Work No. 1) on the southern bank of the River Thames commencing at the point at which the river wall forming the northern boundary of the enclosure numbered 296 in the said parish of Erith on the  $\frac{1}{2500}$  scale Ordnance map (edition of 1909) Kent Sheet II. 4 joins the wall forming the eastern boundary of the enclosure numbered on the said Ordnance map 254 in the said parish and terminating at a point 1 chain or thereabouts eastward of the western side of the river wall forming the northern boundary of the enclosure comprising part of the Belvedere Fish Guano Works and numbered on the said Ordnance map 300 in the said parish and 9 chains or thereabouts north-westward of the south-western corner of the main building of the said works :

A jetty (Work No. 2) commencing on the wharf at a point  $2\frac{1}{2}$  chains or thereabouts westward of the termination of the wharf and  $11\frac{1}{4}$  chains or thereabouts north-westward of the said south-western corner of the main building of the Belvedere Fish Guano Works and

terminating in the River Thames at a point  $6\frac{3}{4}$  chains or thereabouts north-westward of the point of commencement of the jetty and 18 chains or thereabouts north-westward of the said south-western corner of the main building of the Belvedere Fish Guano Works :

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A railway siding (Work No. 3) commencing on the jetty at the point of termination thereof and terminating by a junction with the North Kent Line of the South Eastern Railway Company at a point  $9\frac{3}{4}$  chains or thereabouts westward of the signal box at the Belvedere Station on the said line.

6. Subject to the provisions of this Act the Company may for the purposes of or in connection with the railway siding make and maintain all necessary and proper bridges subways sidings rails junctions turntables approaches signals works apparatus and conveniences and may for the purposes of or in connection with the wharf and the jetty and the construction maintenance repair and user thereof construct and place from time to time and maintain temporarily or otherwise and use all such entrances cuts channels dams slips trenches sluices embankments walls landing places dolphins mooring places staithes groynes quays wharves caissons coffer dams piles staging pontoons buoys and other works structures and things in the bed banks channel and waterway of the River Thames as they may deem necessary or expedient and may for the last-mentioned purposes and for the purposes of or in connection with the provision and maintenance of approaches to and lay-byes at the wharf dredge excavate and interfere with the bed banks and channel of the said river.

Subsidiary works in connection with railway siding wharf and jetty.

7. For the protection of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (hereinafter respectively referred to as "the South Eastern Company" and "the managing committee") the following provisions shall unless otherwise mutually agreed in writing and notwithstanding anything in this Act contained or shown on the deposited plans and sections have effect (that is to say) :—

For protection of South Eastern Railway Company and South Eastern and Chatham Railway Companies Managing Committee.

- (1) The junction of the railway siding by this Act authorised with the North Kent Line of the South Eastern Company shall be effected at such point within the limits of deviation shown on the deposited plans as may be reasonably required by the managing committee or in the event of difference between the managing committee and the Company at such point as may be determined by arbitration as hereinafter provided and in accordance with plans and sections to be previously submitted to and approved by the managing committee. Provided that such approval shall not be unreasonably withheld and that if the managing committee do not within one

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month after the submission of such plans and sections signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved such plans and sections :

- (2) The said junction and the works in connection therewith so far as they are placed on the property of the South Eastern Company shall be constructed and thereafter maintained by the South Eastern Company or by the managing committee and shall be so constructed with all reasonable despatch on the requisition of the Company and the reasonable and proper expenses incurred in any half-year in or in connection with such construction and maintenance shall at the end of that half-year be repaid to them by the Company :
- (3) The South Eastern Company or the managing committee may from time to time provide erect maintain and alter such signals and other works and conveniences including any lighting that may be required as may reasonably be found requisite in consequence of the construction or working of the said junction and works and may from time to time appoint and remove such watchmen pointsmen switchmen or other persons as may reasonably be necessary for the working of the said junction or for the prevention of danger or detention to or interference with traffic at or near the said junction between the railway siding hereby authorised and the said North Kent Line of the South Eastern Company and the working of such signals works and conveniences and the control and direction of such watchmen pointsmen switchmen and other persons shall belong exclusively to the South Eastern Company or the managing committee and all the costs and expenses of providing erecting maintaining working and altering such signals works and conveniences including any lighting that may be required and the wages of such watchmen pointsmen switchmen and other persons and all other expenses in connection therewith shall at the end of every half-year be repaid by the Company to the South Eastern Company or the managing committee on demand and in default of such repayment the amount of such costs expenses and wages may be recovered from the Company by the South Eastern Company or the managing committee in any court of competent jurisdiction :
- (4) The Company shall not without in every case obtaining the previous consent of the South Eastern Company or the managing committee under their common seal purchase or take any lands or property belonging to the South Eastern Company and forming part of their

railways and works within the South Eastern Company's fences as shown on the deposited plans but they may purchase and take and the South Eastern Company may and shall sell and grant accordingly an easement or right of using such part or parts only of such lands and property as shall be necessary for the purposes of the said junction and works but no further or otherwise : A.D. 1928.  
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- (5) The Company shall at their own expense provide on their land at or near the said junction all necessary and proper sidings and accommodation to the reasonable satisfaction of the managing committee for the receiving and forwarding of traffic passing to and from the railway siding from and to the railways of the South Eastern Company :
- (6) The South Eastern Company or the managing committee may at the expense of the Company at any time or times hereafter if and so far as it may be reasonably necessary for them to do so for the purposes of any alteration or widening of the said North Kent Line alter or remove the said junction and works and substitute therefor a new junction and works but any such alteration or removal shall be effected by the South Eastern Company or the managing committee with all reasonable despatch and so as not to unduly interfere with the traffic on the railway siding of the Company The provisions of this Act shall be applicable to the construction and use of any junction and works substituted as aforesaid in the same way as to the junction and works for which they are substituted :
- (7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the South Eastern Company or the managing committee all costs losses damages and expenses which may be occasioned to the South Eastern Company or the managing committee by reason of any failure of the works of the said junction (such failure not being occasioned by the act or omission of the South Eastern Company or the managing committee or their contractors or any person in their respective employ) or by reason of any act or omission of the Company or of any persons in their employ or of their contractors or others and except as aforesaid the Company shall effectually indemnify and hold harmless the South Eastern Company and the managing committee from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission :
- (8) The Company shall not in any way obstruct or interfere with the traffic passing along the South Eastern

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Company's railway and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the South Eastern Company's railway so as to impede or prevent the convenient passing of engines and carriages along the same the Company shall pay to the South Eastern Company or the managing committee full compensation in respect thereof :

- (9) If any question or difference shall arise between the Company on the one hand and the South Eastern Company or the managing committee on the other hand touching any plans sections elevations or specifications prepared by the Company for the construction of the said junction or with respect thereto or as to the reasonableness of any requirements of the South Eastern Company or the managing committee or as to any amounts payable to the South Eastern Company or the managing committee or in respect to any of the matters and things provided for or referred to in the foregoing subsections the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

As to construction of wharf.

8. The wharf shall be constructed in the lines shown on the plan signed by Sir Harry Samuel the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords) or in such other lines as may be approved by the Port of London Authority and the Commissioners of Sewers for the limits extending from Lombard's Wall to Gravesend Bridge in the county of Kent and under the superintendence and to the satisfaction of the Port of London Authority and (so far as regards any matter affecting the said commissioners) of the said commissioners and in accordance with plans sections and particulars to be previously submitted to and approved by the Port of London Authority and (to the extent aforesaid) the said commissioners. If the Port of London Authority and the said commissioners shall disagree upon any matter affecting the said commissioners and relating to the approval of such plans sections and particulars or to the mode of carrying out the work the matter in dispute shall be referred to and determined (after hearing any representations made to him by the Company) by an arbitrator to be agreed upon between the Company the Port of London Authority and the said commissioners or failing such agreement to be appointed on the application of any of such parties by the President of the

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Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply : A.D. 1928.  
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Provided that in constructing the wharf the coping thereof shall not at any point extend in a northerly direction beyond the centre line shown on the said plan for a greater distance than ten feet and the river face thereof shall be constructed at an angle of not less than thirty degrees with the horizontal.

9.—(1) The Company may acquire provide maintain repair renew and use all such locomotives engines trucks carriages machinery and other works conveniences and equipment as may be necessary or convenient for the purposes of the railway siding. Power to provide locomotives warehouses &c. for railway siding wharf and jetty.

(2) The Company may erect provide maintain repair renew and use on or in connection with the wharf and the jetty or either of them all such warehouses sheds buildings cranes engines lifts drops tips machinery and other works conveniences appliances and equipment as they may think fit.

10.—(1) Notwithstanding anything in this Act contained—  
 (a) The Company shall not be deemed to be a railway company;  
 (b) The railway siding (Work No. 3) shall not be deemed to be a railway;  
 (c) The said railway siding shall be deemed to be and shall be a private siding or private branch railway belonging to the Company; As to user of railway siding wharf and jetty.

within the meaning of the Railway and Canal Traffic Acts 1854 to 1888 and 1894 :

Provided that with the consent of the Company but not otherwise junctions may be made between the said railway siding (Work No. 3) and the private sidings of any persons whose works and premises are upon or form part of the lands described in the section of this Act of which the marginal note is " Power to acquire additional lands " or are upon or form part of any other lands adjoining the first-mentioned lands.

(2) The wharf and the jetty may be used for any purposes of the undertaking of the Company and with the consent of the Company for the loading or unloading by any other company or person of fuel or any raw or other materials or any goods articles or plant for use or produced in or upon any premises situate upon or forming part of the lands described in the said section of this Act but shall not be used for any other purpose than as aforesaid.

11. Subject to the other provisions of this Act the Company may for the purposes of and in connection with the several works authorised by this Act and within the limits of deviation for such works as shown on the deposited plans raise sink or otherwise alter the position of or may remove any sewer drain Alteration of position of mains and pipes.

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gas or water main or pipe or any other obstruction of a like nature making in case of alterations proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making compensation to any person who suffers damage by any such alteration or removal. Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply otherwise than in accordance with such provisions. Provided also that the Company shall not raise sink or otherwise alter the position of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and in accordance with the provisions of the Telegraph Act 1878.

Power to  
divert  
streams &c.

12. It shall be lawful for the Company to divert and alter the course of and to construct bridges culverts and other works over any streams watercourses ditches or drains on any lands to be acquired or appropriated by them under the powers of this Act and the bed banks channel and site of any diverted portion of such streams watercourses ditches and drains shall by virtue of this Act vest in the Company and may be appropriated and used by the Company for the purposes of this Act or for any other purpose of their undertaking.

As to con-  
struction of  
diversions of  
streams &c.

13.—(1) Before commencing to divert or alter the course of or to construct any bridge culvert or other work over any stream watercourse ditch or drain on any lands to be acquired by the Company under the powers of this Act the Company shall submit plans and sections of the proposed work to the Port of London Authority the Commissioners of Sewers for the limits extending from Lombard's Wall to Gravesend Bridge in the county of Kent and the Erith Urban District Council (hereinafter in this section called "the three authorities").

(2) If the three authorities shall approve of the plans and sections so submitted to them respectively as aforesaid or shall for twenty-one days after the delivery of the same fail to signify disapproval thereof such work shall be carried out in accordance with such plans and sections. Provided that if any of the three authorities shall within twenty-one days of the delivery of such plans and sections signify their disapproval of the same in so far as the works shown thereon may affect the authority so disapproving then (unless amendments of the said plans and sections shall be agreed between the Company and the three authorities in which case the said work shall be carried out in accordance with the plans and sections as so amended) the said work shall be carried out in accordance with plans and sections to be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the requisition of the Company and such arbitrator shall in making his award have regard to any

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representations made to him by any of the said authorities whether the authority making such representations shall or shall not have disapproved the plans and sections as originally submitted to them Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section. A.D. 1928.

14. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection and benefit of the Erith Urban District Council (in this section called "the council") shall except so far as may be otherwise agreed in writing between the Company and the council apply and have effect (that is to say) :— For protec-  
 tion of Erith  
 Urban Dis-  
 trict Council.

- (1) The Company shall not alter or interfere with any sewer drain culvert or other work belonging to the council until they shall have provided to the reasonable satisfaction of the council a sufficient and convenient substitute therefor :
- (2) Any such substituted work shall be constructed by the Company in accordance with plans and sections to be previously submitted to and reasonably approved by the surveyor to the council and shall be constructed under his superintendence (if given) and to his reasonable satisfaction :
- (3) If any difference shall arise between the Company and the council under the provisions of this section or with regard to anything to be done or not to be done thereunder such difference shall be referred to and determined by the arbitration of a single arbitrator to be appointed by the President of the Local Government Board on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

15. For the protection of the Commissioners of Sewers for the limits extending from Lombard's Wall to Gravesend Bridge in the county of Kent (hereinafter in this section called "the commissioners") the following provisions shall unless otherwise agreed apply and have effect (that is to say) :— For protec-  
 tion of Com-  
 missioners of  
 Sewers for  
 limits ex-  
 tending from  
 Lombard's  
 Wall to  
 Gravesend  
 Bridge.

- (1) The Company shall construct an extension of the existing sluice or drain known as the Great Breach Sluice shown upon the signed plan and marked "Existing 24-inch C.I. drain pipe" by continuing the present outlet thereof either in the line shown upon the signed plan and marked "Proposed 24-inch C.I. drain pipe" and "Proposed 36-inch C.I. drain pipe" or in such other line westward of the said line as may be agreed in writing between the respective engineers for the time being of the Company and the commissioners :
- (2) The wharf and the work referred to in the preceding subsection of this section shall be completed before the

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Company interfere with the existing protective works under the jurisdiction of the commissioners :

- (3) The said work referred to in subsection (1) of this section shall be executed by and in all things at the expense of the Company and under the direction and superintendence and to the reasonable satisfaction of the engineer of the commissioners :
- (4) From and after the completion of the wharf the Commissioners shall cease to be under any obligation to maintain that portion of the existing river wall which is situate between the respective points of commencement and termination of the wharf :
- (5) From and after the completion of the wharf the Company shall at all times maintain the same in such a state of repair as shall be adequate for the protection from damage by flooding of the low-lying lands behind the same and if the Company shall neglect to so maintain the same the commissioners may enter upon the wharf and themselves execute any repairs necessary for such adequate protection and any expenses incurred by the commissioners in the execution of such repairs may be recovered from the Company with full costs in any court of competent jurisdiction :
- (6) During the progress of the works by this Act authorised so far as they affect any property works or things of or under the jurisdiction of the commissioners the Company shall at their own expense and under the superintendence and to the reasonable satisfaction of the engineer of the commissioners do all that is necessary to protect such property works and things and also the low-lying lands behind the river banks and the other properties thereon (so far as the commissioners are at present responsible in respect of such lands and other properties) from damage by flooding and in the event of any damage being caused or accruing to the aforesaid properties lands works and things or any part or parts thereof by through or in consequence of the execution of any of the said works or the maintenance by the Company of the wharf the Company shall make good the same and shall indemnify the commissioners against all claims and demands in respect of any such damage :
- (7) The Company shall not at any time hereafter do or cause or permit to be done any matter or thing whatsoever which may in any way interfere with or impede the passage of water through the common sewer ditches or any other ditch sewer watercourse or work whatsoever within the limits and under the jurisdiction of the commissioners Provided that nothing in this subsection

shall be construed as preventing or interfering with the right of the Company to exercise the powers conferred by this Act :

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- (8) All costs charges and expenses whatsoever which may be reasonably incurred by the commissioners in connection with the construction of such of the works by this Act authorised as affect any matter within the jurisdiction of the commissioners shall (except so far as the payment of such costs charges and expenses may be otherwise provided for by or by virtue of any other provision of this Act) be paid by the Company to the commissioners and in default thereof may be recovered from the Company with full costs in any court of competent jurisdiction :
- (9) The provisions of this section shall be in addition to and not in substitution for or derogation of any other powers rights or privileges of the commissioners under any other provision of this Act :
- (10) If any difference shall arise between the Company and the commissioners under the provisions of this section except with regard to the construction of the work referred to in subsection (1) thereof such difference shall be determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

16. Subject to the provisions of this Act the Company may fill in level and appropriate and may use for any purposes of their undertaking all or any lands (whether now forming part of the bed banks or channel of the River Thames or not) which may be situate southward of the wharf and which they shall have acquired.

Power to fill in and appropriate land behind wharf.

17. The Company on the one hand and the Port of London Authority or any other company body authority or person on the other hand may subject to the express provisions of this Act enter into and carry into effect agreements and arrangements for and with respect to the construction maintenance and user of the wharf and the jetty and any works connected therewith or incidental thereto respectively.

Agreements as to construction &c. of wharf and jetty.

18. Notwithstanding anything to the contrary in this Act contained the following provisions shall unless otherwise agreed in writing between the Company and the Port of London Authority (in this section called " the port authority ") have effect (that is to say) :—

For protection of Port of London Authority.

- (1) The jetty (Work No. 2) so far as the same is to be constructed on the bed or foreshore of the River Thames

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shall be constructed on the lines and in the situation and in the manner indicated on the signed plan or on such other lines or in such other situation or manner as may be approved by the port authority and the works in connection therewith shall be executed and carried out to the satisfaction and under the inspection of the engineer for the time being of the port authority :

- (2) The provisions of the Railways Clauses Consolidation Act 1845 with reference to the temporary occupation of lands near the railway shall not apply to the bed or shores of the River Thames below high-water mark or to any property or lands of the port authority :
- (3) All works whether permanent or temporary in any part of the River Thames which is situate northward of the wharf or in under or over any part of the bed or shore thereof below high-water mark which is so situate including any alteration or removal of sewers drains gas or water pipes or other obstructions (other than works in connection with the jetty shown on the signed plan or the wharf and the works in connection therewith to be approved in accordance with the section of this Act of which the marginal note is " As to construction of wharf ") shall be executed and carried out according to plans elevations and sections to be approved in writing by the port authority and deposited at their office and to the satisfaction and under the inspection of the engineer for the time being of the port authority and the Company shall not make or commence any such works unless and until such plans elevations and sections have been so approved by the port authority :
- (4) During the execution under the powers of this Act of any works in the River Thames or in on under or over the bed or shores thereof below high-water mark the Company shall take such precautions for the safety of the navigation as the port authority may direct and the traffic of the said river shall not be interfered with more than may be absolutely necessary in the construction of the said works :
- (5) The works by this Act authorised so far as they are to be constructed in the River Thames or in on under or over the bed or shores thereof below high-water mark shall when commenced be proceeded with and completed with all reasonable dispatch and the Company shall within three months after the receipt of notice in writing from the port authority under the hand of their secretary so to do remove any temporary works and materials for temporary work which may have been placed in the River Thames by the Company and are no longer

required for the purposes for which they were so placed and in default of such removal the port authority may remove the same and recover from the Company the expense of so doing : A.D. 1928.  
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- (6) The Company shall not (except so far as shall be necessary in the construction of the works by this Act authorised) take any gravel soil or other material from the bed or shore of the River Thames without the previous consent of the port authority under the hand of their secretary :
- (7) Notwithstanding anything contained in this Act or in the Acts incorporated herewith the compensation or consideration payable to the port authority in respect of the lands taken or easements acquired under the powers of this Act or in respect of the permanent or any temporary works placed in the River Thames or in on under or over the banks bed or shores thereof shall be assessed in accordance with the provisions of section 116 of the Thames Conservancy Act 1894 or any statutory provision in lieu thereof for the time being in force :
- (8) Notwithstanding anything contained in the section of this Act of which the marginal note is "Repair of diverted footpaths" the port authority shall be under no obligation to repair any portion of the diverted footpath described in subsection (a) of the section of this Act of which the marginal note is "Power to divert footpaths" after the same has been diverted in accordance with such section :
- (9) The Company shall bear and on demand repay to the port authority any expense incurred by them in altering any moorings which in the opinion of the port authority it may be necessary or desirable to alter by reason of the construction of any of the works by this Act authorised.

\* \* \* \* \*

- (11) The Company shall during the construction and after completion of the wharf and jetty hang out and exhibit at or near the said works every night from sunset to sunrise lights to be kept burning by and at the expense of the Company and proper and sufficient for the navigation and safe guidance of vessels and the Company shall also in like manner and at the like expense hang out and exhibit at or near the said works every day from sunrise to sunset such signals as may be proper and sufficient for the navigation and safe guidance of vessels and such lights and signals or any of them as the case may be shall be of such kind and number and be so placed and used and shall from time to time

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be altered by the Company in such manner as the port authority by writing under the hand of their secretary or other authorised officer shall approve or direct and in case the Company fail so to exhibit and keep burning the lights or to exhibit the signals they shall for every such offence forfeit to the port authority ten pounds which may be recovered by that authority in a summary manner in any court of summary jurisdiction.

Works to  
form part of  
Company's  
undertaking.

19. The works referred to in the section of this Act of which the marginal note is "Power to make works" shall for all purposes form part of the undertaking of the Company.

Power to  
divert foot-  
paths.

20. Subject to the provisions of this Act the Company may in the said parish and urban district of Erith make in the lines shown on the deposited plans the diversions of footpaths hereinafter described and exercise the powers hereinafter referred to (that is to say):—

- (a) They may divert the existing public footpath leading in a westerly direction along the northern boundary of the Belvedere Fish Guano Works and thence along the river wall forming the northern boundary of the enclosures respectively numbered 296a and 302 in the said parish on the  $\frac{1}{2500}$  scale Ordnance map (edition of 1909) Kent II. 4 such diversion commencing at the point of termination of the wharf and terminating by a junction with the existing public footpath leading in a westerly direction across the enclosure numbered on the said Ordnance map 254 in the said parish to the southern outfall works of the London County Council at a point in that footpath  $3\frac{3}{4}$  chains or thereabouts south-westward of the point of commencement of the wharf:
- (b) They may divert the existing public footpath leading in a north-westerly direction from Norman Road to the north-western corner of the said enclosure numbered on the said Ordnance map 302 in the said parish and thence along the existing river wall to the said southern outfall works such diversion commencing at a point in the said existing footpath 5 chains or thereabouts north-westward of the south-eastern corner of the enclosure shown or partly shown on the said Ordnance map and thereon numbered 301 in the said parish and terminating by a junction with the diversion (a) hereinbefore described at a point  $1\frac{1}{4}$  chains or thereabouts westward of the point of commencement of that diversion:
- (c) They may stop up so much of the said existing footpaths as will be rendered unnecessary by the said diversions.

21. Where this Act authorises the diversion of a public footpath and in connection therewith the stopping up of an existing footpath or any portion thereof such stopping up shall not take place until two justices shall have certified that the diversion has been completed to their satisfaction and is open for public use.

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Stopping up  
footpaths in  
case of  
diversion.

As from the date of the said certificate all rights of way over or along the existing footpath or portion thereof shall be extinguished and the Company may appropriate and use for the purposes of their undertaking the site and soil of the portion of footpath stopped up so far as the same is bounded on both sides by lands of the Company.

22. Where this Act authorises the diversion of a public footpath and in connection therewith the stopping up of an existing footpath or portion thereof the footpath as diverted shall be maintained and repaired by the body or person liable immediately before such diversion to maintain and repair the existing footpath.

Repair of  
diverted  
footpaths.

23. Subject to the provisions of this Act the Company in constructing the works by this Act authorised may deviate from the lines thereof shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet upward or downward.

Power to  
deviate in  
construction  
of works.

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