

[18 & 19 GEO. 5.] *Tottenham and District* [Ch. lxxxiii.]
Gas Act, 1928.



CHAPTER lxxxiii.

An Act to provide for the transfer of the undertaking of the Waltham and Cheshunt Gas Company to the Tottenham District Light Heat and Power Company and to confer on such Company further powers in regard to the supply of gas and for other purposes.

A.D. 1928.

[3rd August 1928.]

WHEREAS the Tottenham District Light Heat and Power Company (in this Act referred to as "the Company") were incorporated by the Tottenham and Edmonton Gas Act 1859 (in this Act referred to as "the Act of 1859") for the purpose of making and supplying gas within the areas therein described and for other purposes :

And whereas in addition to the public Acts to which they are subject the Company are subject to the Acts and Orders set out in the First Schedule to this Act so far as such Acts and Orders are not repealed or amended :

And whereas the issued capital of the Company consists of one hundred and twenty thousand pounds consolidated "A" stock entitled to a standard dividend of five pounds per centum per annum and eight hundred and eighty-two thousand two hundred and seventy-five pounds consolidated "B" stock entitled to a standard dividend of three pounds ten shillings per centum per annum subject in each case to increase or decrease at the rate of one shilling and threepence on every hundred pounds of stock in respect of any half-year for every

[Price 2s. Net.]

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A.D. 1928. — one-fifth of a penny per therm by which in such half-year the price of gas is reduced or increased below or above the standard price of thirteen and four-fifths pence per therm :

And whereas the Company have created and issued preference stock to the amount of one hundred and seventy-six thousand two hundred and thirty-five pounds and debenture stock to the amount of three hundred and forty-two thousand nine hundred and ninety-five pounds :

And whereas the price now charged by the Company for gas supplied by them to ordinary consumers is nine pence per therm :

And whereas the Waltham and Cheshunt Gas Company (in this Act referred to as "the Waltham Company") were incorporated by the Waltham Abbey and Cheshunt Gas Act 1869 :

And whereas further powers were conferred upon the Waltham Company by the Waltham Abbey and Cheshunt Gas Order 1881 which was scheduled to and confirmed by the Gas Orders Confirmation Act 1881 the Waltham Abbey and Cheshunt Gas Order 1904 which was scheduled to and confirmed by the Gas Orders Confirmation (No. 3) Act 1904 the Waltham and Cheshunt Gas (Charges) Order 1921 and the Waltham and Cheshunt Gas Act 1921 :

And whereas by virtue of the said Acts relating to the Waltham Company the Waltham Company were empowered to make and supply gas within certain limits which were described as the parish of Waltham Holy Cross in the county of Essex and the parish of Cheshunt in the county of Hertford (which limits now comprise the urban district of Waltham Holy Cross in the county of Essex and the urban district of Cheshunt in the county of Hertford) and pursuant to those Acts the Waltham Company are now supplying gas within the said areas :

And whereas the issued capital of the Waltham Company now consists of the following :—

Two thousand original shares of ten pounds each entitled to a standard dividend of ten pounds per centum per annum ;

Three thousand eight hundred and seven additional shares of ten pounds each entitled to a standard dividend of seven pounds per centum per annum :

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And whereas the standard dividends on the said ordinary shares are subject to increase or decrease in accordance with the decrease or increase below or above the standard price of nineteen pence per therm in the price for the time being charged by the Waltham Company for gas supplied by them : A.D. 1928.

And whereas the price now charged by the Waltham Company for gas supplied by them to ordinary consumers is fourteen pence per therm :

And whereas the Waltham Company have created and issued debenture stock to the nominal amount of seventeen thousand seven hundred and fifty pounds bearing interest at the rate of four pounds per centum per annum and redeemable debenture stock to the nominal amount of seven thousand and seventy-five pounds bearing interest at the rate of seven pounds ten shillings per centum per annum :

And whereas the area within which the Waltham Company are supplying gas as aforesaid adjoins the area within which the Company are supplying gas and the Waltham Company have agreed to sell their undertaking to the Company and the Company have agreed to purchase the said undertaking upon the terms hereinafter set forth :

And whereas it would be to the advantage of the consumers of gas within the areas supplied by the said Companies respectively and it is expedient that the sale and purchase of the said undertaking should be sanctioned as by this Act provided :

And whereas immediately before the passing of this Act the Waltham Company were entitled to raise the sum of seventy-seven thousand two hundred and thirty-four pounds nine shillings and eleven pence by the creation and issue of further ordinary or preference shares :

And whereas it is expedient that the provisions contained in this Act with respect to the price to be charged by the Company for gas supplied by them in that part of their enlarged area of supply which will comprise the existing limits of supply of the Waltham Company should be made :

And whereas it is expedient that the existing "A" consolidated ordinary stock of the Company should be converted into "B" consolidated ordinary stock and

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A.D. 1928. preference stock in the manner and subject to the provisions hereinafter contained :

And whereas the demand for gas within the Company's and the Waltham Company's limits of supply has increased and is still increasing and in order to enable the Company to fulfil their obligations to the public it is expedient that the Company should be authorised to construct additional works for the manufacture and storage of gas and residual products and to raise additional capital :

And whereas it is expedient that such further provisions should be made with respect to the Company and their undertaking as are in this Act contained :

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

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

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the *Tottenham and District Gas Act 1928* and this Act and the Acts and Orders set out in the First Schedule to this Act may be cited together as the *Tottenham and District Gas Acts and Orders 1859 to 1928*.

Incorporation of 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):—

(1) The *Gasworks Clauses Act 1847* :

Provided that section 13 of that Act in its application to the Company 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 undertakers shall be alike in terms and amount under like circumstances" and for the same purposes to all consumers" were added at the end of that section:

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(2) The Gasworks Clauses Act 1871 :

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(3) The Companies Clauses Consolidation Act 1845
(except the provisions thereof with respect to
the conversion of borrowed money into capital)
and the Companies Clauses Act 1863 as amended
by subsequent Acts.

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

Interpreta-
tion.

“ The Company ” means the Tottenham District Light Heat and Power Company ;

“ The Waltham Company ” means the Waltham and Cheshunt Gas Company ;

“ The Tottenham district ” means the limits of the Company for the supply of gas as existing immediately before the passing of this Act ;

“ The Waltham district ” means the limits of supply of the Waltham Company as existing immediately before the passing of this Act that is to say the urban district of Waltham Holy Cross in the county of Essex and the urban district of Cheshunt in the county of Hertford ;

“ The Waltham undertaking ” includes subject to the provisions of this Act all rights of making distributing and supplying gas and all other the rights powers authorities and privileges whatsoever of the Waltham Company and all property assets and effects whatsoever and wheresoever and whether real or personal including cash balances reserve special purposes and renewal funds investments and all other interests and rights in to and out of the property whether real or personal and obligations and things in action of or belonging to the Waltham Company upon or immediately before the date of transfer hereinafter specified and all books accounts deeds writings and documents relating thereto except any agreements entered into or to be entered into between the Waltham Company and the Company relating to the transfer

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to the Company of the Waltham undertaking and any letters and documents relative to the enforcing of any such agreement by the Waltham Company but subject to all contracts debts liabilities and obligations of the Waltham Company which shall be subsisting on the said date;

“The date of transfer” means the first day of July or the first day of January next following the date of the passing of this Act;

The expression “limits of supply” means in relation to the Company the area within which the Company are for the time being authorised to supply gas;

“The Act of 1898” means the Tottenham and Edmonton Gas Act 1898;

“The Act of 1906” means the Tottenham and Edmonton Gas Act 1906;

“The Act of 1913” means the Tottenham and Edmonton Gas Act 1913;

“The undertaking” includes the gas undertaking and the electricity undertaking of the Company as from time to time authorised;

“The directors” means the directors of the Company.

ACQUISITION OF WALTHAM UNDERTAKING.

Transfer to Company of Waltham undertaking and dissolution of Waltham Company.

4.—(1) As from the date of transfer the Waltham undertaking shall by virtue of this Act be transferred to and vested in the Company upon and subject to the terms and conditions contained in this Act.

(2) As from the date of transfer the Waltham undertaking shall form part of the undertaking and the Waltham Company shall be and is hereby dissolved.

Company to issue stock in substitution for shares of Waltham Company.

5. As soon as reasonably practicable after the date of transfer the Company shall subject to and in accordance with the provisions of this Act issue to those persons who at the date of transfer hold ordinary shares of the Waltham Company “B” consolidated ordinary stock of the Company to be created as hereinafter provided as follows (that is to say):—

to each such holder of ten original shares of ten pounds each in the Waltham Company in

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exchange for such shares held by him one hundred and fifty-six pounds seventeen shillings and three pence of such "B" consolidated ordinary stock of the Company; A.D. 1928.

to each such holder of ten additional shares of ten pounds each in the Waltham Company in exchange for such shares held by him one hundred and nine pounds sixteen shillings and one penny of such "B" consolidated ordinary stock of the Company;

and so in proportion for any less number of ordinary shares in the Waltham Company.

6. As soon as reasonably practicable after the date of transfer the Company shall subject to and in accordance with the provisions of this Act issue to those persons who at the date of transfer held debenture stock of the Waltham Company debenture stock of the Company to be created as hereinafter provided as follows (that is to say):—

Company to issue debenture stock in substitution for debenture stock of Waltham Company.

to each such holder of four per centum debenture stock of the Waltham Company for each one hundred pounds of such debenture stock held by him the sum of one hundred pounds four per centum debenture stock of the Company;

to each such holder of seven pounds ten shillings per centum redeemable debenture stock of the Waltham Company for each one hundred pounds of such debenture stock held by him the sum of one hundred pounds seven pounds ten shillings per centum debenture stock of the Company to be redeemable on the same terms and at the same time as the stock of the Waltham Company for which the same is exchanged;

and so in proportion for any less amount than one hundred pounds of such debenture stock of the Waltham Company.

7.—(1) On the date of transfer there shall be created by virtue of this Act and without any other requisite such a nominal amount of "B" consolidated ordinary stock of the Company and four per centum debenture stock and seven pounds ten shillings per centum redeemable debenture stock of the Company as shall be requisite to give effect to the provisions of this Act with respect to the transfer of the Waltham undertaking.

Creation of stock and debenture stock of Company for purposes of transfer.

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(2) The amounts of " B " consolidated ordinary stock and of debenture stock of the Company to which the holders of ordinary shares or debenture stock of any class of the Waltham Company become entitled by virtue of this Act shall be vested in such holders as on and from the date of transfer and such holders shall (subject to the provisions of the section of this Act of which the marginal note is " As to fractional parts of five pounds ") be registered in the books of the Company forthwith after the date of transfer as the holders of such amounts respectively.

(3) The " B " consolidated ordinary stock and debenture stock of the Company to be created as aforesaid shall rank for dividend or interest as from the date of transfer and as from that date the ordinary shares and debenture stock of the Waltham Company shall cease to bear any dividend or interest.

As to fractional parts of five pounds.

8.—(1) In every case where under the foregoing provisions of this Act a holder of ordinary shares of the Waltham Company would be entitled to be registered as the holder of any fractional part of five pounds of " B " consolidated ordinary stock of the Company or of any amount of such stock including any such fractional part as aforesaid the Company in lieu of registering such holder and issuing to him a certificate as holder of such fractional part of five pounds of stock or of an amount of stock including such fractional part shall at the same time as they register such holder in their books pay to him (except as hereinafter provided) a sum in cash equal to the value (to be determined as hereinafter mentioned) of such fractional part on the date of transfer and the Company shall register such holder and issue to him a certificate as holder of the amount (if any) of stock of the Company to which he shall be entitled as aforesaid excluding such fractional part and the receipt of such holder for the sum in cash so to be paid as aforesaid shall be a sufficient discharge to the Company in respect of such fractional part. The Company may either cancel all or any of the stock in respect of which such payment has been made or issue the same to any willing purchaser thereof in amounts of five pounds or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Company.

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(2) The value of any such fractional part of stock shall for the purposes of this section be calculated at the market price of such stock on the date of transfer. A.D. 1928.
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(3) In any case where under the foregoing provisions of this section any sum in cash would be payable to any person on account of any stock of the Company issued in substitution for ordinary shares of the Waltham Company held under the co-partnership rules of that company the Company shall in lieu of paying such sum in cash to such person pay the same to the trustees for the co-partnership scheme of the Waltham Company and such trustees shall forthwith credit the investment account of such person under such scheme with an amount equal to such sum.

9. The "B" consolidated ordinary stock of the Company created under or by virtue of this Act and to be issued to holders of ordinary shares of the Waltham Company shall rank *pari passu* with and shall in all respects and for all purposes be deemed to form part of and be consolidated with the existing "B" consolidated ordinary stock of the Company. As to ranking of "B" consolidated ordinary stock of Company created under this Act.

10. The interest on all debenture stock of the Company created under or by virtue of this Act shall rank *pari passu* with the interest on all debenture stock of the Company issued or to be issued under the provisions of the Acts relating to the Company as if all such respective debenture stocks had been issued by the Company under this Act. As to interest on debenture stock created under this Act.

11. The "B" consolidated ordinary stock and debenture stock of the Company of which the holders of ordinary shares or debenture stock of the Waltham Company are pursuant to the provisions of this Act registered as the holders and the sums of cash to be paid by the Company under this Act in respect of the fractional parts of five pounds as aforesaid shall after registration and payment thereof be held in the same right on the same trusts and subject (so far as is consistent with such provisions) to the same powers provisions charges and liabilities as those in upon or to which the ordinary shares or debenture stock of the Waltham Company for which such "B" consolidated ordinary stock or debenture stock of the Company or sums of cash are respectively sub- Stock and debenture stock of Company to be equivalent to shares and debenture stock of Waltham Company.

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stituted were held or were subject immediately before the date of transfer and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such ordinary shares or debenture stock of the Waltham Company and trustees executors or administrators and all other holders in any representative or fiduciary capacity of any ordinary shares or debenture stock of the Waltham Company are hereby expressly authorised and required to accept any "B" consolidated ordinary stock or debenture stock of the Company of which they are pursuant to the provisions of this Act registered as the holders and any sums of cash paid to them under the provisions of this Act and to hold dispose of or otherwise deal with such "B" consolidated ordinary stock or debenture stock or sums of cash in all respects as they might have held disposed of or otherwise dealt with the ordinary shares or debenture stock of the Waltham Company for which the same are substituted and are hereby indemnified in respect of all acts bonâ fide done by them in pursuance of the provisions of this Act.

Exchange of
certificates.

12. The Company shall call in the certificates for ordinary shares and debenture stock of the Waltham Company for which "B" consolidated ordinary stock or debenture stock of the Company and sums of cash (if any) are substituted under the provisions of this Act and shall issue free of charge in exchange for those certificates to the respective holders of the ordinary shares or debenture stock of the Waltham Company represented thereby certificates for "B" consolidated ordinary stock or debenture stock (as the case may be) of the Company of the respective amounts and pay to such holders the sums of cash (if any) to which those holders are by virtue of this Act respectively entitled but no holder of ordinary shares or debenture stock of the Waltham Company shall be entitled to a new certificate or to receive any such sum of cash as aforesaid until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate and sum of cash (if any) are to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction of such certificate and shall have given to the Company an indemnity against any and

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every claim in respect of such lost or destroyed certificate or the shares or debenture stock represented thereby : A.D. 1928.

Provided that until the issue of such new certificates the holders of the existing certificates for ordinary shares or debenture stock of the Waltham Company shall (according to the amounts of " B " consolidated ordinary stock or debenture stock of the Company to be issued under the provisions of this Act in substitution or part substitution for the ordinary shares or debenture stock of the Waltham Company which they respectively represent) have and possess the same rights and privileges as if such existing certificates were certificates for those respective amounts of " B " consolidated ordinary stock or debenture stock of the Company but if any such holder neglect or omit to send or deliver to the Company his certificate or certificates for ordinary shares or debenture stock of the Waltham Company for the period of one year after notice in writing sent by post to the address of such holder appearing in the books of the Waltham Company the Company may suspend the payment of any dividends or interest declared or becoming payable upon or in respect of the " B " consolidated ordinary stock or debenture stock of the Company so held by him until such certificate or certificates is or are delivered up to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and until such indemnity as aforesaid shall have been given.

13. All transfers or other dispositions of any shares or debenture stock of the Waltham Company made but not registered prior to the issue by the Company to the holder of such shares or debenture stock of the certificate or certificates for the " B " consolidated ordinary stock or debenture stock of the Company to which such holder is entitled under the provisions of this Act shall notwithstanding the provisions of this Act be valid and have due effect given to them respectively as transfers or dispositions (as the case may be) of—

Transfers of shares or stock of Waltham Company to operate as transfers of stock of Company.

- (a) the amounts (being in each case a multiple of five pounds) of " B " consolidated ordinary stock or debenture stock of the Company which represent the shares or debenture stock of the Waltham Company thereby expressed to be

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transferred or disposed of and which are substituted for the same by this Act; or

- (b) " B " consolidated ordinary stock or debenture stock of the Company to the amount of the multiple of five pounds next below the amount of the " B " consolidated ordinary stock or debenture stock of the Company which but for the provisions of the section of this Act of which the marginal note is " As to fractional parts of five pounds " would have represented the shares or debenture stock of the Waltham Company transferred or disposed of by such transfer or disposition as aforesaid and a sum in cash equal to the value on the date of transfer of any fractional part of five pounds of such " B " consolidated ordinary stock or debenture stock of the Company such value to be determined as in the said section mentioned;

although the instrument of transfer or disposition shall describe the same as shares or debenture stock of the Waltham Company and the Company shall accordingly register the stock in the name of the transferee or person taking under the disposition and pay to such transferee or person the sum (if any) payable in cash and any bequest of or any covenant or provision of any deed or instrument which ought in the circumstances to apply to the shares or debenture stock of the Waltham Company so transferred or disposed of as aforesaid shall be held to apply to (a) an amount of " B " consolidated ordinary stock or debenture stock of the Company equal to that which is under the provisions of this Act substituted for such shares or debenture stock of the Waltham Company and (b) any sum in cash payable under the provisions of this Act in respect of any fractional part of five pounds of " B " consolidated ordinary stock or debenture stock of the Company.

As to dividend on ordinary shares of Waltham Company to date of transfer.

14.—(1) The Company shall on the date on which they shall pay the dividend on their existing consolidated ordinary stock for the half-year ending on the day before the date of transfer pay to the persons who at the date of transfer held ordinary shares of the Waltham Company out of the profits of the Waltham Company available for the purpose for the half-year ending on the said

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day half-yearly dividends at the following respective rates per annum (that is to say):— A.D. 1928.

to each such holder of original ordinary shares of the Waltham Company such rate as the said profits shall admit of but not exceeding ten pounds per centum per annum on the nominal value of the shares held by him;

to each such holder of additional ordinary shares of the Waltham Company such rate as the said profits shall admit of but not exceeding seven pounds per centum per annum on the nominal value of the shares held by him;

subject in each case to the deduction of income tax.

(2) Provided that the said dividends shall not be paid by the Company if the Waltham Company shall before the date of transfer have paid a dividend in respect of such half-year.

(3) Separate accounts of the Waltham Company shall be made out for the said half-year and be audited by the auditors of the Waltham Company in the same manner as they would have been audited if this Act had not been passed but as from the date of transfer the accounts of the Waltham Company shall be incorporated with and dealt with as part of the accounts of the Company.

15.—(1) The several persons who immediately before the date of transfer appear on the registers of the Waltham Company to be holders of ordinary shares or debenture stock of any class of the Waltham Company or the respective executors administrators or assigns of such persons shall for the purposes of this Act and subject to the provisions of the section of this Act of which the marginal note is “Transfers of shares or stock of Waltham Company to operate as transfers of stock of Company” be deemed to be holders of ordinary shares or debenture stock of the Waltham Company as the case may be and the secretary of the Waltham Company shall on the date of transfer deliver to the Company at the principal office of the Company the said registers and on and after the date of transfer the registers of transfers of ordinary shares or debenture stock of the Waltham Company shall be permanently closed and (except as provided by the last-mentioned section of this Act) no transfer of any

Waltham Company's books to be evidence as to holders of shares and debenture stock.

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shares or debenture stock of the Waltham Company made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates for "B" consolidated stock or debenture stock (as the case may be) of the Company as aforesaid together with the payment of the sum in cash representing the market value on the date of transfer of any fractional part of five pounds of such "B" consolidated ordinary stock or debenture stock as provided by the section of this Act of which the marginal note is "As to fractional parts of five pounds" to the persons whose names appear by the said registers to be registered holders of ordinary shares or debenture stock of the Waltham Company or the respective executors or administrators of such persons or to the persons entitled thereto pursuant to the section of this Act of which the marginal note is "Transfers of shares or stock of Waltham Company to operate as transfers of stock of Company" shall be a sufficient discharge to the Company for all purposes.

Provisions
of Com-
pany's Acts
to apply to
limits as
extended.

16. Subject to the provisions contained in this Act the Acts and Orders specified in the First Schedule to this Act relating to or affecting the Company and the undertaking at the date of transfer (except so far as such Acts and Orders are repealed or amended) and the provisions of this Act relating to or affecting the Company shall apply to the whole gas undertaking of the Company in addition to the public Acts which apply to that undertaking and as from that date the Company may exercise within the Tottenham district and within the Waltham district all or any of the powers rights privileges and authorities conferred by the said Act in relation to the Tottenham district or any part thereof or by this Act.

Certain
provisions
of Acts and
Orders of
Waltham
Company to
continue.

17. Such of the provisions of the Acts and Orders relating to the Waltham Company and the Waltham undertaking as are not repealed by this or any former Act shall continue in force within the Waltham district and the Company within the Waltham district may exercise the powers conferred and shall be subject to the obligations imposed by the said provisions in all respects as if the Company had been therein referred to instead of the Waltham Company :

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- (1) That nothing in this section shall be construed as extending to the Tottenham district any protective provisions contained in the Acts and Orders relating to the Waltham Company which are not repealed by this Act;
- (2) That notwithstanding anything in the said provisions with respect to the limits within which the Waltham Company may supply gas the Company shall be entitled to supply in any part of the limits of supply any gas manufactured by them under or by virtue of the powers conferred by the said provisions; and
- (3) That section 48 of the Waltham and Cheshunt Gas Act 1921 in its application to the Company as from the date of transfer shall be read and have effect as if section 48 (Power to lay pipes &c. for purposes ancillary to business of Company) of the Act of 1906 were therein referred to instead of the section of the said Act of 1921 of which the marginal note is "Power to lay pipes for ancillary purposes."

18.—(1) Notwithstanding the repeal by this Act of any enactment empowering the Waltham Company to raise money by the creation and issue of ordinary or preference shares the Company may at any time or times after the date of transfer exercise all or any of such powers so far as the same shall not have been exercised at or before the date of transfer.

Power to Company to exercise unexercised powers of Waltham Company of raising capital.

(2) Any additional capital which the Company may create and issue in exercise of the said powers shall be created and issued as "B" consolidated ordinary stock or preference stock of the Company or partly in one way or partly in the other and shall rank *pari passu* with and shall in all respects and for all purposes be deemed to form part of and be consolidated with any stock of the Company of the same class existing at the time of such creation or issue.

(3) All stock issued by the Company pursuant to this section shall be issued subject to and in accordance with the provisions of the Acts regulating the issue of capital by the Company as amended by this Act.

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(4) Section 27 (Notice to be given as to sale of stock) of the Act of 1906 shall be read and have effect as though the words "Waltham Holy Cross and Cheshunt" had been therein inserted after the word "Southgate."

Partial
repeal of
Acts re-
lating to
Waltham
Company.

19. Subject to the provisions of the section of this Act of which the marginal note is "Power to Company "to exercise unexercised powers of Waltham Company "of raising capital" the Acts and Orders named in the Second Schedule to this Act shall as from the date of transfer be and the same are hereby repealed save the provisions of the said Acts and Orders which are set out in the Third Schedule to this Act.

Pending
actions.

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

Contracts to
be binding.

21. All agreements contracts conveyances deeds and other instruments affecting the Waltham Company and in force at the date of transfer shall (subject as hereinafter provided) as from such date be as binding and of as full force and effect against or in favour of the Company (as the case may be) and may be enforced as fully and effectually as if instead of the Waltham Company the Company had been a party thereto or bound thereby or entitled to the benefit thereof:

Provided that no contract or agreement (unless entered into in the ordinary course of business or in connection with the maintenance of the Waltham undertaking) and no conveyance deed or other instrument made or entered into by the Waltham Company after the eighth day of December one thousand nine hundred and twenty-seven and extending beyond the date of transfer shall be binding on or of any force or effect against or in favour of the Company unless made or entered into with the consent in writing of the Company.

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22. All rents rates and charges and other sums and debts at the date of transfer due and payable or accruing due and payable to the Waltham Company shall be payable to and may be collected recovered and enforced by the Company in the same manner and with and by the same benefits and processes as those with and by which the Waltham Company might have enforced the same and shall belong to the Company for their own benefit.

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Collection of outstanding debts.

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

Books &c. to remain evidence.

24. All officers and persons who at the date of transfer have in their possession or under their control any books documents papers moneys or effects forming part of the Waltham undertaking shall be liable to account for and deliver up the same to the Company or to such persons as the Company may appoint to receive the same and subject to the same consequences on refusal or neglect as if such officers and persons had been appointed by and become possessed of such books documents papers moneys and effects for the Company.

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

25.—(1) The Company shall as soon as conveniently may be after the date of transfer pay to the directors of the Waltham Company a sum equivalent to seven years' purchase of the annual remuneration (with the income tax thereon if the same was paid by the Waltham Company) of such directors for the year one thousand nine hundred and twenty-six such sum to be divided amongst them in such proportions as they may agree.

Compensation to directors and auditors of Waltham Company.

(2) The auditors of the Waltham Company holding office at the date of transfer shall retire from office as from that date (except that such auditors shall continue to hold office for the purpose of auditing the accounts of the Waltham Company in accordance with the provisions of the section of this Act of which the marginal note is "As to dividend on ordinary shares of Waltham Company to date of transfer") and the Company shall as soon as conveniently may be after the date of transfer

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A.D. 1928. — pay to such auditors a sum equivalent to three years' purchase of the annual remuneration of their offices for the year one thousand nine hundred and twenty-six.

As to officers and servants of Waltham Company.

26.—(1) The Company shall subject as is hereinafter provided take over and employ as from the date of transfer such of the officers and servants of the Waltham Company (other than the engineer manager and secretary) who shall be in the employment of the Waltham Company at that date as shall be willing to enter the service of the Company at the same rates of pay and subject to the same general conditions of employment as those to which they were entitled and were subject at the date of transfer (except as may be otherwise agreed between the Company and any such officer or servant) and such officers and servants shall be employed as far as possible in similar work to that in which they may be employed immediately before the date of transfer.

(2) Any officers and servants of the Waltham Company so taken over (but as to an officer or servant who does not elect to enter the pension scheme of the Company under the provisions of the section of this Act of which the marginal note is "Pensions and pension scheme of Waltham Company" only with the consent of the directors) shall subject as hereinafter provided be eligible for appointment as co-partners of the Company on the like terms and conditions as officers and servants of the Company are so eligible.

(3) Any increase of salary remuneration or emoluments (other than any such increase as would have been given to any officer under a grade scale or in the ordinary course of customary increments) granted between the eighth day of December one thousand nine hundred and twenty-seven and the date of transfer by the Waltham Company without the consent in writing of the Company shall not be taken into account for the purposes of this section.

Compensation to engineer &c. of Waltham Company.

27. As soon as conveniently may be after the date of transfer the Company shall pay to the engineer manager and secretary of the Waltham Company by way of compensation for loss of his office or employment such a sum as may be agreed between him and the Company or failing agreement as shall be determined by a single

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arbitrator to be appointed by the President for the time being of the Institution of Gas Engineers. A.D. 1928.

28.—(1) As from the date of transfer the Company shall continue to pay all superannuation allowances pensions or other periodical sums granted or payable by the Waltham Company under any superannuation pension benevolent or other similar scheme or otherwise which but for the passing of this Act would have continued to be payable by the Waltham Company after the date of transfer and to perform all the obligations of the Waltham Company to every person who at the date of transfer shall have become entitled to any such allowance pension or sum as though the Company were the Waltham Company. Provided that if the Waltham Company shall after the eighth day of December one thousand nine hundred and twenty-seven have granted any new superannuation allowance pension or other periodical sum or increased the same before that date without the consent in writing of the Company such new allowance pension or sum or increase of such allowance pension or sum shall not be taken into account for the purposes of this section.

Pensions and pension scheme of Waltham Company.

(2) The Company may by agreement with any person entitled to a superannuation allowance pension or other periodical sum which the Company are by this Act required to continue to pay commute any such allowance pension or sum by payment to the person entitled thereto of a sum in gross.

(3) Any officer or servant of the Waltham Company who shall enter the service of the Company under the section of this Act of which the marginal note is "As to officers and servants of Waltham Company" shall be entitled to the benefit of the Waltham Company's existing pension scheme and the Company shall carry on the said scheme for the benefit of such officers and servants of the Waltham Company but any such officer or servant may elect to join the pension scheme of the Company in which case he shall forfeit his interest under the Waltham Company's pension scheme but the Company in calculating the period of his service for the purpose of any pension upon his retirement from the service of the Company shall take into account the continuous service of such officer or servant with the Waltham Company as if it had been service with the Company.

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As to
Waltham
Company's
co-partner-
ship scheme.

29.—(1) As from the date of transfer the co-partnership scheme of the Waltham Company shall cease to operate for the distribution and investment of the future profits of the Waltham Company or the Company as the case may be.

(2) Any shares and stock of the Waltham Company standing in the names of the present trustees of the Waltham Company's co-partnership scheme shall (as soon as they shall be exchanged for stock of the Company under the provisions of this Act) and all other investments standing in the names of such trustees shall (as soon as practicable after the date of transfer) be transferred into the names of the two co-partnership members who are trustees of the Waltham Company's co-partnership scheme at the date of transfer together with the chairman of the directors or another director to be nominated by the directors who with such two co-partnership members shall be trustees of the Waltham Company's co-partnership fund.

(3) The said co-partnership fund shall continue to be administered and distributed according to the rules relating thereto with such modifications and amendments as may have been or may be agreed between the Company and the Waltham Company.

As to special
purposes
fund of
Waltham
Company.

30. As from the date of transfer the special purposes fund of the Waltham Company shall be added to the special purposes fund of the Company to be formed under the section of this Act of which the marginal note is "Power to create special purposes fund."

Waltham
Company to
carry on
Waltham
undertaking
until date
of transfer.

31. As from the passing of this Act and until the date of transfer the Waltham Company may and shall to the best of their ability and with due diligence maintain and carry on their undertaking in the same manner as such undertaking has hitherto been maintained and carried on and for that purpose may exercise all or any of the rights powers privileges and authorities and shall discharge all the duties obligations and liabilities under the Acts and Orders relating to the Waltham undertaking to the same extent as if this Act had not been passed but so that the Waltham Company and the Company respectively shall comply with the obligations in relation to the carrying on of the Waltham undertaking and the payment of dividends to the shareholders of the Waltham Company.

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contained in any agreement between the Waltham Company and the Company for or relating to the transfer of the Waltham undertaking. A.D. 1928.

SUPPLY OF GAS IN WALTHAM DISTRICT.

32.—(1) The price to be charged by the Company otherwise than under special contract for gas supplied to consumers within the Waltham district during the period of ten years from and after the reading of the meter indices in respect of the quarter ending on the thirtieth day of September the thirty-first day of December the thirty-first day of March or the thirtieth day of June next following the date of transfer shall exceed the price per therm for the time being charged by the Company in the Tottenham district by the sum of four pence per therm and thereafter by the sum of three pence per therm :

As to price in Waltham district.

Provided that at any time after the expiration of three years from the passing of this Act the Board of Trade may on the application of the Company or of the Hertfordshire County Council or of any local authority having jurisdiction within the Waltham district by order alter and amend the provisions of this subsection but before making any such order the Board shall give notice of the application to the Middlesex County Council and to all local authorities having jurisdiction in the Tottenham district and shall consider any representation with regard to such application which may be made by that county council or any of those local authorities.

(2) For the purpose of ascertaining the rate of dividend payable on the ordinary stock of the Company the price of gas charged by the Company shall be deemed to be the price from time to time charged by the Company for gas supplied by them in the Tottenham district.

CHANGE OF NAME OF COMPANY.

33. Subject to the provisions of Part IV of the Companies Clauses Act 1863 the name of the Company shall from and after the date of transfer be the "Tottenham and District Gas Company."

Change of name of Company.

CONVERSION OF "A" CONSOLIDATED ORDINARY STOCK.

34.—(1) As from the date of transfer all the existing "A" consolidated ordinary stock of the Company shall be converted into "B" consolidated ordinary stock and

Conversion of "A" stock.

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A.D. 1928. five per centum preference stock which shall be vested
— in and divided amongst the holders of "A" consolidated
ordinary stock of the Company as follows :—

To each holder of one hundred pounds of "A"
consolidated ordinary stock entitled to a standard
dividend of five pounds per centum per annum
one hundred pounds of "B" consolidated
ordinary stock and thirty pounds of five per
centum preference stock ;

and so in proportion for any less amount of "A" con-
solidated ordinary stock of the Company.

(2) As from the date of transfer there shall by virtue
of this Act be created the nominal amount of one hundred
and twenty thousand pounds of "B" consolidated
ordinary stock and thirty-six thousand pounds of five
per centum preference stock for the purpose of giving
effect to the provisions of this section and the amounts
of such stocks respectively to which the holders of the
existing "A" consolidated ordinary stock become entitled
under this section shall be forthwith registered in their
respective names in the books of the Company.

(3) The provisions of the sections of this Act of which
the marginal notes are—

"As to fractional parts of five pounds";

"As to ranking of 'B' consolidated ordinary stock
of Company created under this Act";

"Stock and debenture stock of Company to be
equivalent to shares and debenture stock of
Waltham Company";

"Exchange of certificates";

"Transfers of shares or stock of Waltham Company
to operate as transfers of stock of Company"

shall extend and apply to the conversion of stock effected
by this section as if (a) holders of "A" consolidated
ordinary stock of the Company were therein referred to
instead of holders of shares and stock of the Waltham
Company and (b) preference stock of the Company were
therein referred to in addition to "B" consolidated
ordinary stock and debenture stock of the Company and
with any other modifications which may be necessary to
extend and make the said provisions applicable to the
conversion of stock effected by this section.

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(4) The five per centum preference stock of the Company created under or by virtue of this section and to be issued to holders of "A" consolidated ordinary stock of the Company shall rank *pari passu* with and shall in all respects and for all purposes be deemed to form part of and be consolidated with the existing five per centum preference stock of the Company. A.D. 1928.

35. As from the date of transfer the "B" consolidated ordinary stock of the Company whether issued before or after the passing of this Act shall be known and described as "ordinary stock." Description of "B" stock.

FINANCIAL.

36. The Company may from time to time raise additional capital not exceeding in the whole two hundred thousand pounds by the creation and issue of new "B" consolidated ordinary stock or preference stock or wholly or partially by one or both of those modes respectively. Provided that it shall not be lawful for the Company to create and issue under the powers of this section a greater nominal amount of capital than shall be sufficient to produce including any premium which may be obtained on the sale thereof the sum of two hundred thousand pounds. Power to raise additional capital.

37. All ordinary or preference stock forming part of the additional capital shall be part of the general capital of the Company and except as otherwise expressly provided in this Act the holders of stock in such additional capital shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of stock held by them and be subject to the like provisions and liabilities as the holders of stock of the same class in the existing capital of the Company. Additional capital to be part of general capital.

38. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new stock to which a preferential dividend shall be assigned. Restriction as to votes in respect of preference stock.

39. The provisions of sections 25 to 28 of the Act of 1906 relating to the sale of stock by auction or tender as amended by this Act shall extend and apply to all stock forming part of the additional capital. New stock to be sold by auction or tender.

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Power to
borrow.

40.—(1) The Company may subject to the provisions of this Act but without the certificate of a justice of the peace at any time raise by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock in respect of their capital issued at the date of the passing of this Act any sum or sums not exceeding in the whole (including the amount borrowed by the Company before the said date and outstanding at that date and including the debenture stock to be issued to the holders of debenture stock of the Waltham Company in pursuance of the provisions of this Act) six hundred and forty-two thousand seven hundred and eighty-three pounds thirteen shillings and ten pence being one half of the paid-up capital (including premiums) issued at that date.

(2) The Company may in respect of any ordinary or preference stock issued by them after the date of the passing of this Act (including the stock to be issued to the shareholders of the Waltham Company in pursuance of the provisions of this Act and the preference stock to be issued in pursuance of the provisions of the section of this Act of which the marginal note is "Conversion of 'A' stock") raise by borrowing on mortgage of the undertaking or by the creation and issue of debenture stock any sum or sums not exceeding in the whole one half of the amount (including premiums and allowing for discounts) of such ordinary or preference stock which at the time of the borrowing or of the issue of the debenture stock has been issued and (at the time of borrowing or issue) has not been repaid but no sum shall be borrowed in respect of money so raised until the Company have proved to a justice of the peace under the fortieth section of the Companies Clauses Consolidation Act 1845 that the amounts payable in respect of such stock at the time issued together with the premiums (if any) realised on the sale thereof have been fully paid up.

Debenture
stock.

41. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 22 (Debenture stock) of the Tottenham and Edmonton Gas Act 1882 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

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42.—(1) Any ordinary preference or debenture stock of the Company may be issued held and transferred in amounts of five pounds or of any multiple of five pounds and not otherwise.

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Stocks to be held in multiples of five pounds.

(2) Notice of this enactment shall be given in all future stock certificates issued by the Company.

43. All moneys to be raised by the Company on mortgage or by the issue of debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided 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 the Company which is entitled to rank in priority to or *pari passu* with the interest or dividends on their mortgages or debenture stock.

Priority of mortgages and debenture stock over other debts.

44. All mortgages granted by the Company in pursuance of the powers of any Act or Order relating to the Company before the date of the passing of this Act and subsisting at that date shall during the continuance of such mortgages and subject to the provisions of the Acts or Orders under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

45. Section 32 (For appointment of receiver) of the Act of 1906 is hereby repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act and in lieu thereof the mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees

Appointment of receiver.

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A.D. 1928. — by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application
of capital
moneys.

46. All money raised under this Act including premiums shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of stock shall not be considered as part of the capital of the Company entitled to dividend.

Redeemable
preference
and debenture
stock.

47.—(1) The Company may issue all or any of the preference stock or debenture stock which they are now or may hereafter be authorised to issue or create so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(a) call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor.

(3) The Company may for the purpose of providing money for paying off the stock or of providing substituted stock issue or create and issue (subject as regards preference stock to the provisions of sections 25 to 28 of the Act of 1906 relating to the sale of stock by auction or tender as amended by this Act) new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section. Provided that the creation and re-issue for the purpose of any particular class of stock shall 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—

(a) during the necessary interval between the creation and issue of the new stock and the redemption of the old stock; and

(b) when the new stock is issued in substitution for stock which was itself lawfully issued.

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(4) The Company shall not redeem out of revenue any debenture stock or preference stock created under this Act except to the extent of any discount allowed on the issue or the premium payable on the redemption of any such stock. A.D. 1928.
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48.—(1) Notwithstanding anything contained in the Companies Clauses Act 1863 or any other Act any stock which may be issued by the Company as preference stock under the powers of this or any former Act may bear such a rate of interest not exceeding six and one half per centum per annum as the directors may determine at the date or respective dates of the issue thereof. Dividend on preference stock.

(2) The issue by the Company in the year one thousand nine hundred and twenty-five of five and a half per centum preference stock to the amount of one hundred and fifty thousand pounds is hereby sanctioned and confirmed.

49. The directors may in any year declare and pay an interim half-yearly dividend on any class or classes of stock in the capital of the Company out of the profits of the Company without the sanction or direction of a general meeting but no such half-yearly dividend shall exceed the amount of the authorised dividend payable on such stock. Interim dividend.

50. Section 27 (Notice to be given as to sale of stock) of the Act of 1906 which relates to the notice to be given of sales of stock by public auction or tender shall be read and have effect as if the words "fourteen days" were inserted therein in lieu of the words "twenty-eight days" and the Acts and Orders relating to the Company shall be read and have effect accordingly. As to notice of sale by auction.

51. Sections 25 to 28 of the Act of 1906 shall not apply to the creation and issue of debenture stock of the Company whether under the powers of this or any other Act or Order relating to the Company. Amendment of provisions as to issue of debenture stock.

52.—(1) Notwithstanding anything contained in sections 25 to 28 of the Act of 1906 the Company (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of the Board) may when stock of the Company is to be offered for sale pay a commission not exceeding five per centum to any person in consideration of his subscribing or Payment of commissions on sale of capital.

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A.D. 1928. 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.

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

Power to
create
special pur-
poses fund.

53.—(1) The directors may if they think fit in any year appropriate out of the revenue of the undertaking 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 auditor of the Company (being a chartered or incorporated accountant) or 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 other than expenses requisite for maintenance and renewal of plant and works.

(3) The maximum amount standing to the credit of the special purposes fund shall not at any time exceed an amount equal to one-tenth part of the paid-up capital of the Company 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 placed on deposit at interest with the Company's bankers 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 and partly in another.

(5) Resort may from time to time be had to the special purposes fund notwithstanding that the sum

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standing to the credit of the fund is for the time being less than the maximum allowed by this section. A.D. 1928.

(6) The moneys or securities standing to the credit of the insurance fund of the Company at the date of the passing of this Act shall be credited to the special purposes fund and the words "special purposes" shall be substituted for the word "insurance" in section 24 (Application of excess of profits) of the Act of 1906.

54.—(1) The directors may grant such gratuities pensions and superannuation allowances or make such other payments as they may think fit to any employee of the Company and may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee such gratuities pensions allowances or payments as are by this section authorised to be granted or made. Pensions allowances and donations.

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

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

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

55. Notwithstanding anything contained in the Act of 1913 or in the Fifth Schedule to that Act— Further provisions as to nominations by co-partners.

(a) Any person who has been entitled to make a nomination under the provisions of section 51 (Persons in employment of Company may nominate others to transfer stock &c. held by such persons) of the Act of 1913 but 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 the said section and the regulations contained in the Fifth Schedule to the Act of 1913 shall apply to any such person and to any nomination made by him (whether

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before or after such cesser as aforesaid) as if he had continued to be an appointor within the meaning of that Schedule;

- (b) The provisions contained in the Fifth Schedule to this Act shall be substituted for those contained in paragraph 14 of the Fifth Schedule to the Act of 1913 and in the case of any such person as is referred to in the foregoing paragraph (a) of this section the provisions contained in the Fifth Schedule to this Act shall extend and apply as if he had continued to be an appointor within the meaning of the Fifth Schedule to the Act of 1913.

DIRECTORS AND SHAREHOLDERS.

As to
appoint-
ment of
managing
director.

56.—(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 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.

(4) The directors may entrust to and confer upon a 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.

(5) Any managing director appointed under the powers of this Act shall not so long as he receives remuneration as a managing director be deemed a director for the purposes of directors' remuneration.

Joint
holders of
stock.

57. 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.

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SUPPLY OF GAS AND MISCELLANEOUS.

58. The Company may upon the lands described in the Fourth Schedule to this Act 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 and convert the residual products arising directly or indirectly from the manufacture of gas.

Power to maintain gasworks and convert residual products.

59. The following provisions for the benefit and protection of the Lee Conservancy Board (in this section referred to as "the board") shall except so far as may be otherwise agreed in writing between the board and the Company apply and have effect (that is to say):—

For protection of Lee Conservancy Board.

If the Company shall at any time cause or suffer to be brought or to flow into the river Lee navigation or into any drain communicating therewith any washing or other substance produced in working up and converting on the lands described in the Fourth Schedule to this Act residual products arising directly or indirectly from the manufacture of gas or shall wilfully do any act connected with the working up or conversion of residual products on the said lands whereby the water in such navigation shall be fouled the Company shall forfeit and pay to the board the sum of two hundred pounds and shall in addition forfeit and pay to the board the sum of twenty pounds for each day during which such washing or other substance shall be brought or flow as aforesaid or the act by which such

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water shall be fouled shall continue after the expiration of twenty-four hours from the time when notice thereof shall have been given to the Company by the board but no such forfeiture shall be recoverable unless it be sued for during the continuance of the offence or within six months after the same shall have ceased.

Relief from obligation to supply.

60. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Company is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the limits of supply for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Company notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (1) a new supply of gas for the premises of any person demanding such supply at any time after the date of this Act; or
- (2) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Company :

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Company—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Company may reasonably require; or
- (ii) to make such payment or payments to the Company (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Company may reasonably require;

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(according as the Company may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Company in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Company may reasonably demand :

A.D. 1928.
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Provided also that if any question shall arise under the provisions of this section between the Company and the applicant as to the sufficiency of the distribution works of the Company or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Company or as to the nature or amount of the security demanded by the Company such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Company and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding :

Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say) :—

- (a) The total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Company may be called upon to supply gas to the applicant;
- (b) The capital expenditure which the Company would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) How far such capital expenditure may become unproductive to the Company in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

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—
As to construction
and placing
of pipes &c.

61. 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 ;

(c) A copy of every specification approved by the Board of Trade under this section shall be

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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 fittings 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 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

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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 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 the railway 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.

Provision of valve where high-pressure air or gas is used.

62.—(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

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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.

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(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 effect the supply of gas to other consumers.

(3) It shall not be lawful for any consumer at any time after the passing 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 to do so.

(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 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 before such expiration 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 date of the passing of this Act are consumers of gas supplied by the Company on the demand notes for

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gas charges payable to the Company issued next after that date; and

(b) In the case of any person becoming after the date of the passing 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.

Prohibiting
building
over Com-
pany's
apparatus.

63. From and after the passing of this Act no person shall erect or extend or cause to be erected or extended any building or structure on over or against any main pipe or apparatus of the Company shown on the maps required to be provided by the Company under section 29 (Company to make maps showing mains) of the *Tottenham and Edmonton Gas Act 1882* until he shall have given to the Company reasonable notice in writing of his intention so to erect or extend such building or structure together with reasonable particulars of the land on over or against which it is proposed to erect or extend the same but nothing in this section shall affect the erection or extension under statutory powers in that behalf of a building or structure by a railway company.

Supply and
purchase of
gas in bulk.

64. The Company may contract with any local authority company or person 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 : A.D. 1928.

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

65.—(1) Nothing in section 47 (Power to lay pipes in streets or roads not dedicated to public use) of the Act of 1906 shall apply to any existing street in the Waltham district belonging to and forming the approach to any station or depôt of the London and North Eastern Railway Company except with the consent of that company first being obtained. Provided that such consent shall not be unreasonably withheld. For protection of London and North Eastern Railway Company.

(2) The Company in carrying out the works authorised by the said section within the Waltham district shall not unreasonably obstruct or interfere with the convenient access to any such street station or depôt.

66. Before breaking up or otherwise interfering with any street or road situate in the metropolitan police district in connection with the construction of any work by this Act authorised the Company shall (except in case of emergency or in the laying replacing or repairing of consumers' service or communication pipes) give seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said commissioner 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. For protection of Commissioner of Police of metropolis.

67. The Company shall not under the powers of section 47 (Power to lay pipes in streets or roads not dedicated to public use) and section 48 (Power to lay pipes &c. for purposes ancillary to business of Company) of the Act of 1906 or either of those sections break up or interfere with any towing-path bridge or other work vested in the Lee Conservancy Board except with their consent in writing. For further protection of Lee Conservancy Board.

68. 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 the inventor jointly. Company may be patentee jointly.

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A.D. 1928. — 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 to 1928 or any statutory modification thereof for the time being in force.

As to proof of service of notices upon consumers.

69. 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.

Several sums in one summons.

70. Where the payment of more than one sum by any person is due under any provisions of the Tottenham and District Gas Acts and Orders 1859 to 1928 any summons or warrant issued for the purposes of those Acts and Orders in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Repeal.

71. The following provisions are hereby repealed:—

Tottenham and Edmonton Gas Act 1859—

- Section 43 (Company may require consumers to use meters);
- Section 44 (Penalty for injuring meters);
- Section 45 (Undisputed rates or rents may be recovered by distress);
- Section 46 (Costs of proceedings may be included in warrant of distress);
- Section 47 (Several names and sums may be included in one warrant);
- Section 48 (Liability to gas rate not to disqualify justices);
- Section 49 (Sums due to Company may be recovered by action);

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- Section 50 (Quality of Company's gas); A.D. 1928.
Section 51 (Price of gas);
Section 52 (Company to supply gas for lighting streets in Tottenham and Edmonton);
Section 53 (Extension of mains when required by boards of health to districts of Tottenham and Edmonton);
Section 54 (Company to erect a meter to test purity of gas);
Section 55 (Power to justices on requisition to authorise testing of gas);
Section 56 (Costs of experiment to be paid according to event).

Tottenham and Edmonton Gas Order 1876—

- Section 14 (Quality of gas);
Section 15 (Pressure of gas);
Section 16 (Test meter to be erected);
Section 17 (No penalty in case of unavoidable cause).

Tottenham and Edmonton Gas Act 1882—

- Section 14 (Dividend dependent on price charged);
Section 15 (If profits exceed the amount limited excess may be invested and form an insurance fund);
Section 30 (Pressure of gas);
Section 32 (Testing place);
Section 36 (Shareholder may be a member of sanitary authority);
Section 37 (Contracts for supplying gas for public purposes);
Section 38 (Recovery of debts before justices).

Tottenham and Edmonton Gas Act 1898—

- Section 24 (Provisions as to auction and tender extended to mortgages).

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Tottenham and Edmonton Gas Act 1906—

Section 43 (Provisions as to illuminating power
and purity);

Section 44 (Pressure of gas);

Section 59 (Company may enter into contracts
for supply of gas in bulk);

Section 60 (Penalties not cumulative).

Tottenham and Edmonton Gas Act 1913—

Section 37 (Amendment of section 43 of Act
of 1906);

Section 38 (Testing place at Enfield).

Costs of
Act.

72. All costs charges and expenses of and incidental
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 defrayed out of revenue.

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Gas Act, 1928.

The SCHEDULES referred to in the
 foregoing Act.

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FIRST SCHEDULE.

ACTS AND ORDERS RELATING TO THE COMPANY.

The Tottenham and Edmonton Gas Act 1859 (22 & 23 Vict. c. lxi).

The Tottenham and Edmonton Gas Order 1876 confirmed by the Gas and Water Orders Confirmation Act 1876 (No. 1) (39 & 40 Vict. c. xli).

The Tottenham and Edmonton Gas Act 1882 (45 & 46 Vict. c. cv).

The Tottenham and Edmonton Gas Act 1898 (61 & 62 Vict. c. clxi).

The Tottenham and Edmonton Gas Act 1906 (6 Edw. 7. c. clxxvii).

The Tottenham and Edmonton Gas Act 1913 (3 & 4 Geo. 5. c. xliv).

The Tottenham Gas (Charges) Order 1921 (S. R. & O. 1921 No. 776).

The Tottenham Gas (Charges) Amending Order 1925 (S. R. & O. 1925 No. 365).

SECOND SCHEDULE.

ACTS AND ORDERS REPEALED AS FROM THE DATE OF TRANSFER EXCEPTING HOWEVER FROM SUCH REPEAL THE PROVISIONS SET OUT IN THE THIRD SCHEDULE TO THIS ACT.

Acts and Orders Repealed.	Extent of Repeal (subject as above).
The Waltham Abbey and Cheshunt Gas Act 1869 (32 & 33 Vict. c. xxxix).	The whole Act.
The Waltham Abbey and Cheshunt Gas Order 1881 scheduled to and confirmed by the Gas Orders Confirmation Act 1881 (44 & 45 Vict. c. ciii).	The whole Order and so much of the confirming Act as relates thereto.

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Acts and Orders Repealed.	Extent of Repeal (subject as above).
The Waltham Abbey and Cheshunt Gas Order 1904 scheduled to and confirmed by the Gas Orders Confirmation (No. 3) Act 1904 (4 Edw. 7. c. clxvi).	The whole Order and so much of the confirming Act as relates thereto.
The Waltham and Cheshunt Gas (Charges) Order 1921 S. R. & O. 1921 No. 1278.	The whole Order.
The Waltham and Cheshunt Gas Act 1921 (11 & 12 Geo. 5. c. xli).	The whole Act.

THIRD SCHEDULE.

**PROVISIONS OF THE WALTHAM AND CHESHUNT GAS ACTS
AND ORDERS SAVED FROM REPEAL.**

**THE WALTHAM ABBEY AND CHESHUNT GAS ACT 1869.
(32 & 33 Vict. c. xxxix.)**

Power to
erect works,
&c.

7. The company may, upon the piece of land specified in the schedule to this Act, or any part thereof, and subject to the provisions contained in this Act and the Acts incorporated herewith, maintain, alter, enlarge, renew, and improve such gasworks, apparatus, erections, and buildings, with approaches thereto respectively, as they may think proper, and may from time to time lay down, maintain, alter, and renew such mains, pipes, and other apparatus, and do all such other acts as they may consider necessary or proper for supplying the inhabitants, and all public and private buildings, and all public and private lamps, within the limits of this Act, with gas, and may also manufacture or purchase and contract for gas, and for the supply thereof, and may sell gas, coal, coke, tar, and demand and take rents and charges for the supply of gas, and may manufacture, sell, and dispose of the coke, tar, gas, lime, ammoniacal liquor, and other residuary products arising from the manufacture of gas, and may take and hold licences to use (but so as not to acquire exclusive rights thereto) patents or patent rights relating to the manufacture and distribution of gas, and may make or purchase, and sell or let for hire, gas meters, fittings, tubes, pipes, and other articles and things in any way connected with gasworks, or with the supply

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of gas to the consumers thereof, in such manner as the company may think proper: Provided always, that it shall not be lawful for the company to erect any works for the manufacture or store of gas elsewhere than in or upon the said piece of land specified in the said schedule, or some part or parts thereof.

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THE FIRST SCHEDULE.

A piece of land belonging or reputed to belong to John Brown, in the parish of Cheshunt and county of Hertford, adjoining and on the west side of the Waltham railway station, and bounded on the east by the Great Eastern Railway, on the west by a field in the occupation of Stephen Henry Hunt, on the north by a field the property or reputed property of John Sharpe, on the south by the station yard of the Great Eastern Railway, and another piece of land belonging or reputed to belong to the said John Brown (being the site of his gasworks) situate at Waltham New Town, and bounded on the north and east by the Old River Lea, on the south by a road called Waltham Lane, and on the west by a road leading from Waltham Lane, all which said lands are situate in the county of Hertford.

THE WALTHAM ABBEY AND CHESHUNT GAS ORDER 1881.

Scheduled to and confirmed by the Gas Orders
Confirmation Act 1881.

(44 & 45 Vict. c. ciii.)

23. Whereas by the Act of 1869 the Undertakers were authorised to maintain, alter, enlarge, renew, and improve the gasworks therein mentioned on the pieces of land specified in the First Schedule to the said Act, and it was by the said Act provided that it should not be lawful for the Undertakers to erect any works for the manufacture or storing of gas elsewhere than in or upon the pieces of land aforesaid or some part or parts thereof, and the Undertakers were by the said Act authorised to purchase by agreement additional lands not exceeding three acres for any purposes of their undertaking except the manufacture or storage of gas. And whereas the Undertakers have from time to time maintained, altered, enlarged, renewed, and improved the gasworks on the pieces of land specified in the First Schedule to the Act of 1869, and have also, notwithstanding the restrictions in that behalf in the said Act contained, erected works for the manufacture and storing of gas elsewhere than in or upon the pieces of land aforesaid, that is to say, upon the lands described in the Schedule to this Order annexed. And whereas the Undertakers desire that authority to maintain and continue the works

Undertakers may on lands described in schedule exercise powers conferred by Act of 1869.

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for the storing of gas so erected by them in violation of the restrictions in that behalf in the Act of 1869 contained as aforesaid should be by this Order conferred upon them. And whereas the local authority having jurisdiction within the limits of supply have consented to the application for such authority by the Undertakers; therefore the Undertakers on the lands described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and from time to time alter, enlarge, extend, discontinue, or renew all such works, machinery, and apparatus as are necessary for and incidental to the storing of gas, and may store gas thereon accordingly.

SCHEDULE.

Gas Lands.

A piece of land being wholly situate in the parish of Cheshunt, in the county of Hertford, bounded on the west by small building plots belonging or reputed to belong to Samuel Litchfield and others, on the north by building plots belonging or reputed to belong to J. E. Ford, on the east by the existing works of the Undertakers, and on the south by grass land belonging to or reputed to belong to Robert Douglas.

WALTHAM ABBEY AND CHESHUNT GAS ORDER 1904.

Scheduled to and confirmed by the Gas Orders Confirmation
(No. 3) Act 1904.

(4 Edw. 7. c. clxvi.)

Power to
construct
and main-
tain addi-
tional gas-
works.

24. The Undertakers may upon the lands described in the schedule annexed to the Order of 1881 and upon the lands described in the schedule to this Order while they are possessed of the same construct erect make and maintain alter and enlarge retorts retort-houses gasholders receivers purifiers meters apparatus and works for the manufacture and storage of gas and of coke and ammoniacal liquor and other residual products obtained in the manufacture of gas and matters producible therefrom and they may make and store gas on such lands and supply and sell the same within the limits of supply and may on the same lands manufacture and store tar coke pitch asphaltum ammoniacal liquor oil and other such residual products as aforesaid and may sell and dispose of the same at their works and elsewhere and they may also construct and maintain alter enlarge renew or discontinue houses offices buildings and other works connected with the undertaking.

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25. Notwithstanding anything contained in this Order the following provisions for the protection of the county council of the administrative county of Hertford (in this section referred to as "the county council") shall unless otherwise agreed between the company and the county council have effect:—

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For protec-
tion of Herts
County
Council.

- (1) The Company shall not permit any trench made by them in any main road street bridge or other highway for the time being maintainable by the county council or to the maintenance of which the county council shall for the time being contribute to be open for more than fifty yards in length at any place where only one cart can pass at the side of such trench or for more than one hundred yards in length where only two carts can pass at the same time :
- (2) Where any pipe conduit or other work of the Company is required to be laid or constructed beneath the surface of any such road street bridge or highway as aforesaid the same shall if possible be laid or constructed at such a depth that not less than two feet shall intervene between the surface of such road street bridge or highway and the upper surface of such pipes conduit or work Any difference as to the possibility of so laying or constructing any such pipe conduit or work shall be determined by arbitration as hereinafter in this section provided :
- (3) Any difference by this section required to be determined by arbitration shall be determined by an engineer to be appointed (in default of an agreement between the parties) by the President of the Institution of Civil Engineers on the application of either party.

THE SCHEDULE.

Gas Lands.

A piece of land situate in the parish of Cheshunt in the county of Hertford belonging to and in the occupation of the Undertakers forty-four feet by one hundred and thirty-eight feet comprising an area of twenty-two perches or thereabouts and bounded on the north and west by land belonging to the Undertakers on the south by premises belonging to or reputed to belong to the executors of Samuel Litchfield and on the east for a length of one hundred and thirty-eight feet by the piece of land described in the schedule to the Order of 1881.

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WALTHAM AND CHESHUNT GAS ACT 1921.

(11 & 12 Geo. 5. c. xli.)

Construc-
tion and
maintenance
of gasworks
&c.

5.—(1) Subject to the provisions of this Act the Company may upon the lands described in the schedule to this Act or any part thereof 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 and for supplying gas.

(2) Subject to the provisions of this Act the Company may on the said lands described in the said schedule—

(a) Work up and convert the residual products arising directly or indirectly from the manufacture of gas.

For protec-
tion of Great
Eastern
Railway
Company.

48. Any mains pipes or other works which the Company may under the powers of the section of this Act of which the marginal note is "Power to lay pipes for ancillary purposes" lay down or execute under or over or which may affect any railway or works of the Great Eastern Railway Company shall unless otherwise agreed in writing between the Company and the Great Eastern Railway Company be laid down and executed and any repairs which the Company may make to any such mains pipes or works shall (unless otherwise agreed as aforesaid) be made by the Company under the direction and superintendence and to the reasonable satisfaction of the chief engineer of the Great Eastern Railway Company and (except in cases of emergency arising from defects in any of the mains pipes or other works) in accordance with plans and sections previously submitted to and reasonably approved by him.

For protec-
tion of Lee
Conservancy
Board.

49. The following provisions for the benefit and protection of the Lee Conservancy Board (in this section called "the board") shall except so far as may be otherwise agreed in writing between the board and the Company apply and have effect (that is to say) :—

* * * * *

(2) If the Company shall at any time cause or suffer to be brought or to flow into the River Lee Navigation or into any drain communicating therewith any washing or other substance produced in working up and converting on the lands mentioned in the schedule to this Act residual products arising directly or indirectly from the manufacture of gas or shall wilfully do any act connected with the working up or conversion of residual products whereby the water in such navigation shall be fouled the Company shall forfeit and pay to the board the sum

of two hundred pounds and shall in addition forfeit and pay to the board the sum of twenty pounds for each day during which such washing or other substance shall be brought or flow as aforesaid or the act by which such waters shall be fouled shall continue after the expiration of twenty-four hours from the time when notice thereof shall have been given to the Company by the board but no such forfeiture shall be recoverable unless it be sued for during the continuance of the offence or within six months after the same shall have ceased.

A.D. 1928.

SCHEDULE.

First All that piece of land situate in the urban district of Cheshunt in the county of Hertford and fronting on York Road bounded on the north and east by land belonging or reputed to belong to the Company on the south by land and premises belonging or reputed to belong to Percy John Carr known as No. 45 York Road aforesaid and on the west by York Road aforesaid and having a frontage of 140 feet or thereabouts to the said road.

Secondly All that piece of land situate in the said urban district and fronting on York Road bounded on the north by land belonging or reputed to belong to the personal representatives of Jacob Frost deceased on the east and south by land belonging or reputed to belong to the Company and on the west by York Road aforesaid and having a frontage of 60 feet or thereabouts to the said road.

Thirdly All that piece of land situate in the said urban district in the rear of land and premises known as Nos. 19 21 and 23 York Road aforesaid and bounded on the north in part by land and premises belonging or reputed to belong to Alice Maria Allen known as No. 17 York Road aforesaid and in part by land and premises belonging or reputed to belong to the personal representatives of William Bince Randall deceased known as Harold Cottages Railway Road on the east and south by land belonging or reputed to belong to the Company and on the west by Nos. 19 21 and 23 York Road aforesaid.

Fourthly All that piece of land situate in the said urban district and fronting on Railway Road bounded on the north by land and premises belonging or reputed to belong to the personal representative of John Dewey deceased in Railway Road aforesaid on the east and south by land belonging or reputed to belong to the Company and on the west by Railway Road aforesaid and having a frontage of 16 feet or thereabouts to the said road.

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Fifthly All that piece of land situate in the said urban district containing 8 acres or thereabouts belonging or reputed to belong to the personal representatives of William Bince Randall deceased bounded on the north by Trinity Marsh Lane on the east by land and premises belonging or reputed to belong to the Great Eastern Railway Company and on the south and west by land and premises belonging or reputed to belong to and in the occupation of William Paul and Son Waltham Cross Limited.

FOURTH SCHEDULE.

LAND FOR THE MANUFACTURE OF GAS AND RESIDUAL PRODUCTS.

(1) A piece of land in the parish and urban district of Tottenham in the county of Middlesex lying between Willoughby Lane and the Cambridge line of the London and North Eastern Railway Company containing 13 acres or thereabouts bounded on the north in part by the portion of Dysons Lane leading to the existing works of the Company in other part by the said existing works on the east by the said Cambridge line on the south by land belonging or reputed to belong to R. Middlemass & Sons Limited and on the west by Willoughby Lane.

(2) A piece of land in the said parish and urban district of Tottenham containing 38 acres or thereabouts bounded on the north by the said existing works of the Company on the east by Pymmes Brook on the south by the inclosures numbered 91 and 92 and a field being part of the inclosure numbered 93 on the $\frac{1}{2500}$ Ordnance map Middlesex sheet XII 4 edition of 1915 and on the west by the said Cambridge line.

FIFTH SCHEDULE.

AMENDMENT OF FIFTH SCHEDULE TO TOTTENHAM AND EDMONTON GAS ACT 1913.

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

[18 & 19 GEO. 5.] *Tottenham and District* [Ch. lxxxiii.]
Gas Act, 1928.

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.D. 1928.
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- (1) 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;
- (2) The widow of the appointor;
- (3) Any person or persons undertaking to maintain the children of the appointor;
- (4) The person or persons entitled in distribution to the residuary estate of the appointor in accordance with the provisions of paragraphs (i) to (v) inclusive of subsection (1) of section 46 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.

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