



CHAPTER xl.

An Act to confer further powers upon the Wandsworth
Wimbledon and Epsom District Gas Company and for
other purposes. A.D. 1918.
[8th August 1918.]

WHEREAS by the Wandsworth and Putney Gas Act 1856
the Wandsworth and Putney Gaslight and Coke Company
(hereinafter called "the Wandsworth Company") were re-incor-
porated for the purpose of (amongst other things) making and
supplying gas to the places and within the limits in the said
Act described :

And whereas by the Mitcham and Wimbledon Gas Act 1867
the Mitcham and Wimbledon District Gaslight Company were
incorporated for the purpose (amongst others) of making and
supplying gas to and within the limits defined in that Act :

And whereas by the Epsom and Ewell Gas Act 1877 the
Epsom and Ewell Gas Company were re-incorporated and were
authorised (amongst other things) to manufacture and supply
gas to the places and within the limits in the said Act
described :

And whereas by the Wandsworth Wimbledon and Epsom
District Gas Act 1912 (in this Act called "the Act of 1912")
the three companies were amalgamated and the shareholders
were incorporated by the name of the Wandsworth Wimbledon
and Epsom District Gas Company (in this Act called "the Com-
pany") and the capital and other powers of the Company were
defined :

And whereas by section 49 of the Act of 1912 the Company
were authorised to exercise the powers conferred upon the
Wandsworth Company by section 8 of the Wandsworth and

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District Gas Act, 1918.

A.D. 1918. Putney Gas Act 1900 in regard to the stopping up and discontinuance for public use of certain roads footpaths and thoroughfares including Church Walk and that part of Warple Road lying between Church Walk and Warple Way and it was provided that the Company should not stop up or discontinue for public use the said Church Walk and the said part of Warple Road until they had acquired the whole of the property abutting on both sides thereof :

And whereas the Company have acquired the whole of the property abutting on Church Walk which they were authorised to acquire under the said Wandsworth and Putney Gas Act 1900 and they have also acquired the whole of the property in that part of Warple Road lying between Church Walk and Warple Way with the exception of the property shown on the deposited plans and described in the deposited book of reference and it is expedient to authorise the Company to acquire such last-mentioned property and to stop up and discontinue for public use Church Walk from Fairfield Street to a point in Church Walk sixty-three feet or thereabouts west of the north-east corner of the tramway depôt of the London County Council without acquiring the said tramway depôt or the property known as "The Ship" public-house :

And whereas the authorised capital of the Company under the Act of 1912 is one million three hundred and sixty-two thousand four hundred and seventy-one pounds seventeen shillings and threepence divided into nine hundred and twenty-three thousand one hundred and seventy-nine pounds five shillings and fourpence in the said Act referred to as the "allocated paid-up capital" representing the paid-up capital (including premiums) of the amalgamated companies at the time of the passing of the Act of 1912 and four hundred and thirty-nine thousand two hundred and ninety-two pounds eleven shillings and elevenpence in the said Act referred to as the "unallocated capital" representing the balance of the authorised but unissued capital of the amalgamated companies and which unallocated capital the Company were by the Act of 1912 authorised to raise and issue :

And whereas since the passing of the Act of 1912 the Company have raised and issued by the issue of new ordinary stock capital (including premiums) to the amount of one hundred and forty-nine thousand eight hundred and thirteen pounds eighteen shillings and threepence and the amount of capital

remaining unissued is two hundred and eighty-nine thousand four hundred and seventy-eight pounds thirteen shillings and eightpence: A.D. 1918.

And whereas by the Act of 1912 the Company were authorised to borrow on mortgage of their undertaking or by the issue of debenture stock the sum of three hundred and twenty-eight thousand seven hundred and forty-nine pounds six shillings and eightpence (inclusive of the aggregate sum borrowed by the amalgamated companies of one hundred and fifty-five thousand four hundred and ninety-six pounds) and the Company have since the passing of the Act of 1912 borrowed on mortgage of their undertaking the sum of thirty thousand three hundred pounds and have raised by the issue of debenture stock the sum of sixty-nine thousand four hundred and fifty-five pounds eighteen shillings:

And whereas the Company will require to raise further moneys by the creation of further amounts of their authorised capital and having regard to the present state of public affairs it would be to the advantage of the Company and the consumers of gas within the limits of supply of the Company and would facilitate the raising by the Company on economical terms of the moneys required for the purposes of their undertaking that the Company should be empowered to raise additional redeemable debenture stock and also to raise by the issue of redeemable preference stock or redeemable debenture stock any moneys which they may for the time being be authorised to raise by the creation and issue of preference stock or debenture stock and that the provisions contained in this Act with respect to such redeemable stock should be enacted:

And whereas it is expedient that the further powers contained in this Act should be conferred on the Company:

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

And whereas plans showing the lands which may be acquired under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerk of the peace for the county of London and are hereinafter respectively referred to as "the deposited plans and book of reference":

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District Gas Act, 1918.

A.D. 1918. 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:—

Short title. 1. This Act may be cited as the Wandsworth Wimbledon and Epsom District Gas Act 1918.

Incorporation of parts of Companies Clauses Acts. 2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Gasworks Clauses Act 1847 the Gasworks Clauses Act 1871 and the Lands Clauses Acts are subject to the provisions and so far as applicable to the purposes of this Act incorporated with and form part of this Act.

PURCHASE OF LANDS &C.

Power to acquire lands. 3. Subject to the provisions and for the purposes of this Act the Company may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

4. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

A.D. 1918.
Period for compulsory purchase of lands.

5. Notwithstanding anything contained in section 49 (Exercise of powers conferred on Wandsworth Company as to stopping up certain roads &c.) of the Act of 1912 the Company may stop up or discontinue for public use Church Walk in the parish and metropolitan borough of Wandsworth from Fairfield Street to a point on the said Church Walk sixty-three feet or thereabouts west of the north-eastern corner of the tramway depôt of the London County Council without acquiring the said tramway depôt or the property known as "The Ship" public-house.

Amendment of section 49 of Act of 1912.

6. Section 47 of the Act of 1912 shall be read and have effect as though the following provisions had been inserted at the end of the first paragraph of such section:—

Amendment of section 47 of Act of 1912.

The Company may also—

(A) Purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith upon the said lands manufacture other products of the same kind as the Company are manufacturing from their own residual products Provided that the quantity of any residual products so purchased by the Company in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(B) Purchase from other gas undertakers and elsewhere and use the materials required to work up and convert upon the said lands the residual products so arising from their own manufacture of gas or purchased as aforesaid:

But the Company shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Company or purchased from other gas undertakings is merely subsidiary.

A.D. 1918.

Additional
debenture
stock.

FINANCIAL.

7.—(1) In addition to the amount which the Company are by the Act of 1912 authorised to raise by the creation and issue of debenture stock they may subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 raise by the creation and issue of debenture stock any sum or sums not exceeding in the whole one hundred thousand pounds and any debenture stock created under this subsection shall be created and issued as redeemable debenture stock and the resolution creating the same shall specify the terms and conditions on which the same shall be redeemed.

(2) The Company may—

(A) Call in and pay off such redeemable debenture stock or any part thereof at any time before the date for redemption; and

(B) Redeem such redeemable debenture stock or any part thereof either by paying off such debenture stock or by issuing to the holder thereof subject to his consent other redeemable debenture stock in substitution therefor and may from time to time for the purpose of providing money for paying off such redeemable stock or of providing substituted stock create and issue new redeemable debenture stock or re-issue under the same or altered conditions redeemable debenture stock originally created and issued under this section.

(3) At the expiration of fifteen years from the date of the first issue of any redeemable debenture stock under the preceding provisions of this section the powers of the Company to issue redeemable debenture stock under the said provisions shall cease and the redeemable debenture stock issued under the said provisions and then outstanding shall be redeemed and shall not be re-issued.

(4) For the purpose of enabling the Company to provide any moneys required for paying off such redeemable debenture stock as may remain unpaid at the expiration of the said period of fifteen years the Company shall raise such sums as may be necessary by the issue of new ordinary stock or new preference

stock or new debenture stock or by borrowing on mortgage under the powers of the Act of 1912 and if and so far as such repayment or redemption shall not be effected by means of moneys so raised the Company may raise such sum or sums as may be necessary by the creation and issue of new ordinary stock or new preference stock or partly in one way and partly in the other and by the creation and issue of new debenture stock. A.D. 1918.

The provisions of sections 23 to 26 and 33 to 36 inclusive of the Act of 1912 shall apply and have effect as if the creation and issue of the new ordinary stock new preference stock and new debenture stock under this subsection had been authorised by that Act.

If the nominal share capital of the Company is increased by the creation of new ordinary stock or new preference stock under the powers conferred by this section the period within which the Company shall deliver to the Commissioners of Inland Revenue the statement of any such increase required by section 113 of the Stamp Act 1891 shall be one month after the date of such creation.

8. Notwithstanding anything contained in Part III. of the Companies Clauses Act 1863 the interest of all debenture stock and of all mortgages created and issued or granted by the Company whether before or after the passing of this Act under this Act or any previous or subsequent Act and for the time being outstanding shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Interest on debenture stock and mortgages to rank *pari passu*.

9.--(1) The directors of the Company may from time to time notwithstanding the provisions of the Act of 1912 and without any further authority than is given by this section raise— Company may issue redeemable preference stock or redeemable debenture stock.

(A) By the issue of redeemable preference stock any portion of the capital which the Company are authorised under the Act of 1912 to raise as preference capital;

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(B) By the issue of redeemable debenture stock any money which the Company are authorised under the Act of 1912 to raise by the issue of debenture stock;

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

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

(A) New stock whether ordinary or preference (and as regards any preference stock whether redeemable or otherwise) to such amount as may be necessary to provide money for the redemption or purchase of any redeemable preference stock; or

(B) New debenture stock whether redeemable or otherwise to such amount as may be necessary to provide money for the redemption or purchase of any redeemable debenture stock;

or to re-issue any preference stock or debenture stock which has been redeemed under the provisions of this section or to issue any such new ordinary or preference stock or new debenture stock for the purpose of redemption of or in substitution for any such redeemable preference stock or redeemable debenture stock (as the case may be) The provisions of this Act or the Act of 1912 relating to the mode of issue of stock or debenture stock of the Company shall not apply to the issue to the holder of any redeemable preference stock or redeemable debenture stock of any such new ordinary or preference stock or new debenture stock by way of redemption of or in substitution for such redeemable preference stock or redeemable debenture stock and such new ordinary or preference stock or new debenture stock may be issued direct to such holder.

(3) The proceeds of any issue under subsection (2) (A) or (B) of this section shall be applied for the redemption at maturity of any redeemable preference stock or redeemable debenture stock for the redemption of which such issue was made but may if the directors of the Company think fit be also at any time applied in the purchase of any such preference stock or

debenture stock at a price not exceeding the redemption price and any preference stock or debenture stock so purchased shall be cancelled. A.D. 918.

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

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

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

10. All moneys 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 under the provisions of this Act shall not be considered as part of the capital of the Company entitled to dividend. Application of money.

11. The Company may from time to time apply for or towards all or any of the purposes of this Act and for or towards the general purposes of their undertaking to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under and by virtue of the Act of 1912 or which may be in their possession or under their control and which are not required for the purposes to which they are by that Act made specially applicable. Power to apply funds.

A.D. 1918.

Consent of
Treasury to
raising of
money.

12. The Company shall not under the powers of this or any former Act raise or borrow any money (except for the payment of the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act") during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

PROVISIONS AS TO SUPPLY OF GAS.

As to mode
of cutting off
supplies.

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

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

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

Expenses of
re-connecting dis-
continued
supply.

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

Engines &c.
fixed to
premises to
remain pro-
perty of
Company.

15. Subject as hereinafter provided all engines stoves ranges pipes and other fittings (in this section referred to as "fittings") let by the Company on hire or under hire-purchase agreements under any statutory powers shall notwithstanding that they be fixed or fastened to any part of any premises in which they may

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be situate or to the soil under any such premises at all times
continue to be the property of and removable by the Company
Provided that such fittings are marked or impressed with a
sufficient mark or brand indicating the Company as the actual
owners thereof Provided also that nothing in this section shall
affect the amount of the assessment for rating of any premises
upon which any such fittings are or shall be fixed.

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16. The power to enter premises and to remove pipes
meters and fittings or apparatus conferred upon the Company by
section 22 of the Gasworks Clauses Act 1871 shall extend to
all cases in which any person entering into occupation of any
premises previously supplied with gas by the Company shall not
require to take a supply of gas from the Company or to hire
from the Company all or any of the pipes meters fittings or
apparatus belonging to the Company and let by them on hire
to any former occupier of such premises.

Removal
of fittings
where gas
supply dis-
continued.

17. Notwithstanding anything contained in this or any
other Act relating to the Company the price to be charged by
the Company for a supply of gas may vary according to the
purposes for which the gas is supplied as may be agreed upon
between the Company and the person taking such supply
Provided that the Company shall not under the powers of this
section give any preferential price as between any consumers
who shall take a supply of gas for the same purpose under like
circumstances.

Power to
vary price
according to
purpose for
which gas is
supplied.

18. Section 81 of the Act of 1912 shall be read and have
effect as though the words "lay down" had been inserted
before the words "take up."

Amendment
of section 81
of Act of
1912.

19. All costs charges and expenses of and incident to the
preparing for obtaining and passing of this Act or otherwise in
relation thereto shall be paid by the Company.

Costs of
Act.

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