



## CHAPTER iv.

An Act to confer further powers upon the East Surrey Gas Company and for other purposes.

[22nd May 1941.]

**W**HEREAS by the following Acts and Orders:—

The Redhill Gas Act 1865;

The Redhill Gas Act 1900;

The Redhill Gas (Charges) Order 1921 (S.R. & O. 1921 No. 1375);

The Redhill Gas Order 1921 (S.R. & O. 1921 No. 1426);

The Redhill Gas Order 1924 (S.R. & O. 1924 No. 1445);

The East Surrey Gas Order 1928 (S.R. & O. 1928 No. 1019); and

The East Surrey Gas (Charges) Amending Order 1931 (S.R. & O. 1931 No. 472);

28 Vict.

c. xiii.

63 & 64 Vict.

c. viii.

the East Surrey Gas Company (originally incorporated by the name of the Redhill Gas Company) are incorporated and empowered to supply gas within an area which comprises the whole of the borough of Reigate the greater part of the urban district of Dorking parts of the urban district of Banstead the urban district of Coulsdon and Purley the rural district of Godstone the rural district of Guildford and the rural district of Dorking and Horley and small parts of the borough of Epsom and Ewell the urban district of Caterham and Warlingham the urban district of Leatherhead and the rural district of Hambledon all in the county of Surrey:

And whereas the issued share and loan capital of the Company consists of the following stocks all of which are fully paid:—

£53,220 6% cumulative preference stock;  
 £92,500 4½% redeemable preference stock;  
 £146,700 5½% preference "A" stock;  
 £187,840 ordinary stock;  
 £47,983 4% debenture stock;  
 £176,461 5% debenture stock;  
 £20,000 3¾% redeemable debenture stock;

and the Company have received as premiums less discounts on the issue of the said preference stocks and ordinary stock the aggregate net amount of £10,247 16s. 0d.:

And whereas the Company are by the said Acts and Orders authorised to raise by the creation and issue of ordinary or preference stock a further sum of £3,712 4s. 0d. and by borrowing on mortgage of their undertaking or by the creation and issue of debenture stock a further sum of £2,666:

And whereas the demand for gas within the Company's area of supply has increased and is increasing and it is expedient to authorise the Company to raise additional capital and to construct additional gasworks:

And whereas the holders of the cumulative preference stock of the Company have in accordance with the provisions of subsection (5) of section 6 of the said Redhill Gas Order 1921 given their sanction in manner required by that subsection to the provisions of this Act increasing the amount which may be raised by the Company by the issue of loan capital or by borrowing on mortgage so far as the sanction of those stockholders is required by the subsection:

And whereas it is expedient that further powers be conferred on the Company and further provisions be enacted with reference to their undertaking as in this Act contained and that the other provisions of this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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

1.—(1) This Act may be cited as the East Surrey Gas Act 1941.

(2) The East Surrey Gas Acts and Orders 1865 to 1928 the Charges Order of 1931 and this Act may be cited together as the East Surrey Gas Acts and Orders 1865 to 1941.

2. The following Acts as amended by subsequent Acts (so far as applicable for the purposes of this Act and subject to the provisions of the next succeeding section of this Act) are hereby incorporated with and form part of this Act:—

Incor-  
poration  
of general  
Acts.

(1) The Companies Clauses Consolidation Act 1845:

8 & 9 Vict. c. 16.

(2) The Companies Clauses Act 1863 except Part IV (Change of name):

26 & 27 Vict.  
c. 118.

(3) The Lands Clauses Acts except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and the entry upon lands by the promoters of the undertaking:

8 & 9 Vict.  
c. 18.

(4) The Gasworks Clauses Act 1847:

10 & 11 Vict. c. 15.

(5) The Gasworks Clauses Act 1871.

34 & 35 Vict.  
c. 41.

3.—(1) The Companies Clauses Consolidation Act 1845 as incorporated with any of the East Surrey Gas Acts and Orders 1865 to 1941 shall be deemed to be so incorporated—

Application  
of general  
Acts.

(a) subject to the provisions of and so far as not inconsistent with the East Surrey Gas Acts and Orders 1865 to 1941; and

(b) as if section 17 (Closing of transfer books) sections 56 to 60 (with respect to the conversion of the borrowed money into capital) and section 80 (Proof of a particular majority of votes only required in the event of a poll being demanded) were excepted from incorporation; and

(c) as if in section 98 the words “ or of the next succeeding meeting ” were inserted after the words “ shall be signed by the chairman of such meeting ”; and

(d) as if in section 116 the words “ preceding period of twelve months ” were substituted for the words “ preceding half-year.”

(2) The Companies Clauses Act 1863 as incorporated with any of the East Surrey Gas Acts and Orders 1865 to 1941 shall be deemed to be so incorporated—

(a) subject to the provisions of and so far as not inconsistent with the East Surrey Gas Acts and Orders 1865 to 1941; and

(b) as if the words “ and to the same amount as ” in section 22 (Regulations as to creation and issue of debenture stock) were excepted from incorporation.

(3) The Lands Clauses Acts as incorporated with any of the East Surrey Gas Acts and Orders 1865 to 1941 shall be deemed to be so incorporated subject to the exception of sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands.

(4) The Gasworks Clauses Act 1847 as incorporated with any of the East Surrey Gas Acts and Orders 1865 to 1941 shall be deemed to be so incorporated—

(a) subject to the provisions of and so far as not inconsistent with the East Surrey Gas Acts and Orders 1865 to 1941; and

(b) as if sections 30 to 37 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit) were excepted from incorporation.

(5) The Gasworks Clauses Act 1871 as incorporated with any of the East Surrey Gas Acts and Orders 1865 to 1941 shall be deemed to be so incorporated—

(a) subject to the provisions of and so far as not inconsistent with the East Surrey Gas Acts and Orders 1865 to 1941; and

(b) as if sections 6 7 8 12 and 28 to 34 were excepted from incorporation.

Inter-  
pretation.

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

“ the Company ” means the East Surrey Gas Company;

“ the Act of 1865 ” and “ the Act of 1900 ” respectively mean the Redhill Gas Act of those respective years;

“ the Order of 1921 ” and “ the Order of 1924 ” respectively mean the Redhill Gas Order of those respective years (S.R. & O. 1921 No. 1426 and S.R. & O. 1924 No. 1445);

“ the Order of 1928 ” means the East Surrey Gas Order 1928 (S.R. & O. 1928 No. 1019);

“ the Charges Order of 1921 ” means the Redhill Gas (Charges) Order 1921 (S.R. & O. 1921 No. 1375);

“ the Charges Order of 1931 ” means the East Surrey Gas (Charges) Amending Order 1931 (S.R. & O. 1931 No. 472);

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

“ the limits of supply ” means the limits within which the Company are for the time being authorised to supply gas;

“ employee ” means any workman servant or officer employed by the Company but does not include a director not being a managing director or a person appointed a director by virtue of the provisions of section 26 (Appointment of officers as directors) of the Gas Undertakings Act 1934;

24 & 25 Geo. 5.  
c. 28.

“ consumer ” means any consumer of gas supplied by the Company within the limits of supply.

#### FINANCIAL.

5. The Company may from time to time raise by the creation and issue of ordinary stock and preference stock or by either of those classes of stock additional capital to such an amount as will be sufficient to produce after taking into account premiums and discounts (if any) which may be obtained or allowed on the issue thereof the sum of two hundred and fifty thousand pounds. Provided that the Company shall not without the consent of the Board of Trade create and issue under the powers of this section any greater amount of preference stock than will be sufficient to produce as aforesaid the sum of one hundred and twenty-five thousand pounds.

Additional  
capital.

6. The additional capital authorised by this Act shall form part of the general capital of the Company and save as is otherwise by this Act provided the holders thereof respectively in proportion to the amount of their holding shall be entitled and subject to the like rights of voting and any other rights qualifications privileges and liabilities as those of holders of stock of the Company of the same class or description.

Additional  
capital to  
be part of  
general  
capital.

7.—(1) Subject to the provisions of this Act and of the Gas Undertakings Act 1934 all ordinary stock and preference stock issued by the Company after the passing of this Act (except stock issued under or for the purpose of the Company's co-partnership scheme) shall be issued in accordance with the provisions of this section.

Sale of  
share capital  
by auction or  
tender.

(2) All stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the directors shall from time to time determine:

Provided as follows:—

(a) Notice of the intended sale shall be given in writing to the clerk of the county council of the administrative county of Surrey and to the clerk to the council

of every borough and district wholly or partly within the limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders (as the case may be) and shall also be duly advertised once in each of two consecutive weeks in one or more local newspaper or newspapers circulating within the limits of supply;

- (b) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the reception of tenders as the case may be;
- (c) In the case of a sale by auction no lot offered for sale shall comprise stock of greater nominal value than one hundred pounds and a bid (other than the first bid) shall not be recognised unless it is in advance of the last preceding bid;
- (d) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum except that the offer of any holder of ordinary stock or preference stock of the Company may be accepted in preference to the offer of the same sum by any person not such a holder and preference may in like manner be given to the offer of any employee or consumer;
- (e) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender (as the case may be).

(3) Any stock which has been so offered for sale and is not sold may be offered at the reserve price to the holders of ordinary stock and preference stock of the Company in accordance with the provisions of sections 18 19 and 20 of the Companies Clauses Act 1863 and to employees and consumers in such proportions as the directors may think fit or to one or more of those classes of persons only:

Provided that in the case of an offer to holders of stock if the aggregate amount of any class of stock applied for shall exceed the amount thereof so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any stock which has been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of

this section and is not sold may be disposed of for the purpose of realising the best price obtainable at such price and in such manner as the directors may determine.

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

8. Notwithstanding anything in any Act relating to the Company the directors may with the approval of a resolution of a general meeting of the Company reserve a proportion not exceeding one-fourth of each future issue of ordinary stock or preference stock for exclusive offer in the first instance to consumers or employees at such price and upon such terms and conditions as to payment therefor and the payment of dividends thereon until the same become fully paid as the directors may prescribe:

Special  
provision for  
benefit of  
small  
investors.

Provided that every allotment of stock under this section shall be at a price not less than the reserve price at which the like class of stock of the same issue shall be offered under the provisions of the last preceding section of this Act or by subscription as the case may be.

9. When any ordinary stock or preference stock is to be issued by the Company and whether any of the ordinary and preference stocks of the Company is at a premium or not the Company before or in lieu of offering the same for sale by public auction or tender may with the previous approval of the Board of Trade and subject to such conditions as that Board may think fit to impose offer such stock to consumers or employees at not less than the average price (after due allowance is made for any enhancement in price by reason of any anticipated dividend) at which according to the books of the Company sales of stock of the same class were effected within the period of six months immediately preceding the date of application by the Company for such approval as aforesaid.

Sale of  
stock to  
employees  
and  
consumers  
at a fixed  
price.

10.—(1) The Company may without the certificate of a justice borrow on mortgage of the undertaking in respect of the ordinary and preference stocks of the Company which have been issued before the passing of this Act pursuant to or under the powers of the East Surrey Gas Acts and Orders 1865 to 1928 any sum or sums not exceeding in the whole (when added to any money raised by the issue of debenture stock by the Company before the passing of this Act and outstanding at the date or respective dates on which the Company exercise the powers of this subsection) three

Power to  
borrow.

hundred and forty-seven thousand one hundred and ten pounds. The power conferred on the Company by this subsection to borrow on mortgage of the undertaking shall be in substitution for the powers conferred on the Company by the East Surrey Gas Acts and Orders 1865 to 1928 to borrow on mortgage of the undertaking.

(2) The Company may also borrow on mortgage of the undertaking in respect of any ordinary or preference stock issued by them under the powers of this Act any sum or sums not exceeding in the whole one-half of the amount (including premiums and allowing for discounts) which at the time of borrowing has been raised by the issue of such stock but no sum shall be borrowed in respect of any such stock (other than stock reserved and issued under the provisions of section 8 (Special provision for benefit of small investors) of this Act) until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the amounts payable in respect of such stock together with the premiums (if any) realised on the sale thereof have been fully paid.

Debenture  
stock.

11. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 17 (Debenture stock) of the Act of 1900.

Standard  
rates of  
dividend.

12.—(1) So much of section 43 (Dividends) of the Order of 1921 and of section 27 (As to unexercised powers of Dorking Company of raising capital) of the Order of 1928 as relates to the dividends or standard rates of dividend payable on ordinary stock in the capital of the Company is hereby repealed and in lieu thereof subsection (2) of this section shall have effect.

(2) For the purpose of determining the rates of dividend payable by the Company in any year or half-year on their ordinary stock in accordance with the provisions of section 45 (Sliding scale) of the Order of 1921 as modified by the Charges Order of 1931 and by this Act or by any subsequent order made by the Board of Trade revising the standard prices for gas supplied by the Company the following rates of dividend shall be the standard rates of dividend so payable:—

- (a) In respect of all ordinary stock issued before the passing of this Act the rate of five per centum per annum;
- (b) In respect of any ordinary stock issued after the passing of this Act under the powers of the East Surrey Gas Acts and Orders 1865 to 1928 or of this



Act either the rate of six per centum per annum or the rate of five per centum per annum as the directors may from time to time determine on the creation of any such stock.

13. Section 45 (Sliding scale) of the Order of 1921 is hereby amended as follows:— Sliding scale.

The words "by one shilling and sixpence on every hundred pounds of ordinary stock with a six per centum standard rate of dividend." shall be substituted—

- (i) in paragraph (a) of that section for the words "by one shilling and ten and a half pence on every one hundred pounds of ordinary stock with a seven and a half per centum standard rate of dividend"; and
- (ii) in paragraph (b) of that section for the words "by one shilling and ten and a half pence on every hundred pounds of ordinary stock with a seven and a half per centum standard rate of dividend."

14. The Company shall not without the consent of the Board of Trade in respect of any year declare or make out of the profits of the undertaking any larger dividend on any preference stock created and issued by the Company under the powers of this Act than at the rate of six per centum. Limit of dividend on preference stock.

15. The Company shall not without the consent of the Board of Trade pay interest at a higher rate than five per centum per annum in respect of any money borrowed after the passing of this Act whether on mortgage or otherwise for the purposes of the undertaking or in respect of any debenture stock issued after the passing of this Act. Limit of interest on borrowed money.

16. The sections of the Order of 1921 hereinafter mentioned shall extend and apply to and with respect to all mortgages granted and ordinary stock preference stock and debenture stock issued under the powers of this Act as if those sections were re-enacted in this Act with the substitution of the words "the Company" for "the Redhill Company" and "this Act" for "this Order" and any other necessary modifications. The sections above referred to are— Application of sections of Order of 1921.

- Section 35 (Appointment of receiver);
- Section 37 (Priority of mortgages and debenture stock over other debts);
- Section 42 (Minimum amounts of holdings and transfer of stock);
- Section 44 (Dividends on ordinary stock to abate proportionately).

Saving for  
emergency  
powers of  
Treasury.

17.—(1) So long as this section continues in force it shall not be lawful without the consent of the Treasury to exercise the powers of borrowing or raising capital conferred by this Act.

54 & 55 Vict.  
c. 30.

(2) Section 113 of the Stamp Act 1891 (which in the case of any increase in the amount of nominal share capital of a company being authorised by any Act charges stamp duty on a statement of the amount of such increase to be delivered within one month from the passing of the Act) shall as amended by any subsequent enactment have effect as respects any share capital authorised to be raised by this Act as if this Act had been passed on the date when such consent as aforesaid is given as respects that capital or on the date when this section expires whichever first occurs.

2 & 3 Geo. 6. c. 62.  
3 & 4 Geo. 6. c. 20.

(3) This section shall continue in force so long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940.

Application of  
moneys.

18.—(1) 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.

(2) The Company may apply to any of the purposes of this Act to which capital is properly applicable any money which they have raised or may raise under the East Surrey Gas Acts and Orders 1865 to 1928.

#### ADMINISTRATIVE PROVISIONS.

Notice of  
meetings.

19.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each holder of ordinary or preference stock of the Company instead of by public advertisement:

Provided that the letters giving the notice shall be directed according to the registered address or other known address of each such holder prepaid and posted not later than seven clear days before the date of the meeting.

(2) In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post as a prepaid letter not later than the time hereby prescribed.

20.—(1) Section 76 of the Companies Clauses Consolidation Act 1845 relating to the appointment of proxies shall in its application to the Company have effect as if the following proviso were added thereto in lieu of the proviso contained in section 2 of the Companies Clauses Consolidation Act 1888 as amended by the Companies Clauses Consolidation Act 1889 (viz.):—

Voting at  
general  
meetings.

51 & 52 Vict.  
c. 48.  
52 & 53 Vict.  
c. 37.

“ Provided that where the shareholder is a body corporate the proxy may be any member or officer of such body though not personally a shareholder in the Company.”

(2) (a) At every general meeting of the Company every holder of the preference “ A ” stock and of the four and one-half per centum redeemable preference stock shall be entitled to the like rights of voting as are conferred by section 53 (Scale of voting) of the Order of 1921 on the holders of ordinary stock and cumulative preference stock of the Company.

(b) Except as otherwise expressly provided by the resolution creating any preference stock issued after the passing of this Act and except where such stock is of the same class as the cumulative preference stock or the preference “ A ” stock or the four and one-half per centum redeemable preference stock of the Company no person shall be entitled to vote on a show of hands or a poll in respect of any stock to which a preferential dividend shall be assigned.

(c) The proviso to section 11 (Privileges &c. of the holders of new capital) of the Act of 1900 and section 27 (Voting rights for preference capital) of the Order of 1924 are hereby repealed.

(3) Where a body corporate being a holder of ordinary stock or preference stock to which voting rights are attached is present at a meeting of the Company by a proxy who is not a holder of stock in the capital of the Company the proxy shall be entitled to vote for such body on a show of hands.

21. At any meeting of the Company a majority of votes shall only be required to be proved if a poll be demanded at the meeting and if a poll be not demanded then a declaration by the chairman that the resolution has been carried and an entry to that effect in the book of proceedings of the Company shall be sufficient and conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the resolution.

Proof of  
majority  
of votes.

22.—(1) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director at any

Provisions  
relating to  
directors.

meeting of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the principal office of the Company fourteen days at least before the day of election.

(2) For the purposes of the proviso to subsection (5) of section 49 (Directors) of the Order of 1921 a general notice given to the directors by one of them to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may after the date of the notice be made with that company or firm shall be deemed to be a sufficient declaration of interest in relation to any contract so made.

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

#### Auditors.

23.—(1) The prescribed number of auditors shall be two but the number may be reduced to one by a resolution passed at a general meeting of the Company or the Company may at any time and from time to time appoint any firm of accountants to be the auditors of the Company.

(2) Notwithstanding anything in the Companies' Consolidation Act 1845 the auditors or auditor or if a firm be so appointed as auditors the members of that firm need not hold stock of the Company.

(3) If and so long as a firm appointed under the provisions of this section be the auditors of the Company the provisions of this Act and of any Act incorporated herewith relating to the prescribed number of auditors shall not apply to the Company.

(4) No person or firm of accountants not being a retiring auditor or auditors of the Company shall be eligible to be elected at any general meeting as auditor or auditors of the Company unless notice in writing that such person or firm will be proposed for election as an auditor or auditors of the Company shall have been given to the secretary or left at the head office of the Company not less than ten clear days before the date of the meeting. The Secretary shall on receipt of any such notice send a copy thereof to the retiring auditor or auditors and during such ten days and the day

of election keep a copy of the notice fixed in some conspicuous place in the said office.

(5) If any auditor of the Company die or resign the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

24. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

Register of stockholders and stockholders' address book.

(a) to keep separately a register of stockholders and a stockholders' address book if in lieu thereof the Company keep one register only containing such particulars as are required by that Act to be entered in the register of stockholders and the stockholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of stockholders or any register which the Company may keep in lieu thereof under the powers of this section.

25. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any stock or other securities of the Company and of executing any other minor powers exercisable by the directors.

Exercise of minor powers by one director.

26. Where two or more persons are jointly entitled to or are registered in the books of the Company as the joint holders of any stock of any class or description or any mortgage or debenture stock of the Company the receipt of any of such persons shall (if no notice to the contrary be served upon the Company from the other or others of such persons) be a sufficient discharge to the Company for any dividend interest or other sum of money payable in respect of such stock mortgage or debenture stock the receipt whereof is acknowledged by such receipt.

Receipts in cases of joint holders &c.

27. The Company shall not be bound to see to the execution of any trusts whether express implied or constructive to which any stock or debenture stock may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any stock or debenture stock of the Company as if such stock or debenture stock were shares to which that section applies.

Company not bound to regard trusts.

28. Notwithstanding anything in section 13 of the Companies Clauses Consolidation Act 1845 or in any Act or Order relating to the Company the Company shall not be under any

Indemnity before issue of substituted certificates &c.

obligation to issue a new debenture or mortgage or a new certificate of any stock or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture mortgage certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture mortgage certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture mortgage certificate or warrant or the debenture mortgage stock debenture stock dividend or interest represented thereby.

#### WORKS AND LANDS.

Gasworks.

29. The Company may on the lands described in the schedule to this Act so long as they are possessed of those lands erect alter improve renew and maintain gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making storing and supplying gas and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them or purchased by them under the powers conferred by section 4 of the Gas Undertakings Act 1929 and for this purpose the Company may purchase from any source and use such material as is required to work up and convert any such residual products.

19 & 20  
Geo. 5. c. 24.

Purchase of  
lands by  
agreement

30. Subject as in this section provided the Company may for the purpose of the undertaking purchase or take on lease by agreement but not otherwise and may hold in addition to the lands described in the schedule to the Act of 1865 the schedule to the Act of 1900 the First Schedule to the Order of 1921 the Second Schedule to the Order of 1924 the Second Schedule to the Order of 1928 and the schedule to this Act any lands which they may require for those purposes but the Company shall not create or permit a nuisance on any such lands:

Provided that—

- (a) the total quantity of the lands which the Company may hold for the purposes of the undertaking exclusive of the lands described in the said schedules but inclusive of any other lands acquired by the Company before the passing of this Act shall not at any time exceed thirty acres;
- (b) no land shall be used by the Company for the purpose of manufacturing gas or residual products except the lands described in the schedule to the Act of 1865 the Second Schedule to the Order of

1924 the Second Schedule to the Order of 1928 and the schedule to this Act;

(c) no land shall be used by the Company for the purpose of the storage of gas and residual products in contravention of the provisions of section 5 of the Gasworks Clauses Act 1871; and

(d) no land acquired by the Company under the powers of this section shall be used by them in contravention of any provision of the Restriction of Ribbon Development Act 1935 or of any scheme within the meaning of the Town and Country Planning Act 1932 which may for the time being apply to any lands so acquired.

25 & 26  
Geo. 5. c. 47.

22 & 23  
Geo. 5. c. 48.

31.—(1) Notwithstanding anything in the Lands Clauses Acts or any other Act to the contrary the Company may sell or otherwise dispose of or may let on lease for such periods as they think fit any lands for the time being belonging to the Company and which may not at the time be required for the purposes of the undertaking.

Power to  
sell and  
lease lands.

(2) The Company may also sell or otherwise dispose of or let on lease for such periods as they think fit any houses or buildings purchased or erected by them under the powers conferred by section 23 (Dwelling-houses for employees offices &c.) of the Order of 1921 and not at the time required for the purposes of the undertaking or as dwellings for any of their employees.

(3) Any sale disposal or lease of any lands houses or buildings under this section may be to such person for such consideration and subject to such reservations stipulations restrictions and provisions and generally upon such terms and conditions as the Company may think fit.

#### MISCELLANEOUS.

32.—(1) The Company may for the purpose of supplying gas to the owner or occupier of any premises within the limits of supply exercise with respect to any street or part of a street outside those limits the like powers of breaking up the same for the purpose of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply subject nevertheless to the observance of the conditions imposed on the exercise of those powers therein.

As to  
streets  
outside  
limits of  
supply.

(2) Nothing in this section shall entitle or require the Company to supply gas to the owner or occupier of any premises outside the limits of supply.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Further  
power to lay  
pipes in  
private  
streets.

33.—(1) If pursuant to the provisions of sections 6 to 12 of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Company desire to lay or place any pipe or other works in any street laid out and formed but not dedicated to public use and the owner or occupier of the soil or pavement of the street withholds his consent under section 7 of the said Act of 1847 to the laying or placing of the pipe or other works in the street or attaches to his consent terms or conditions which in the opinion of the Company are unreasonable the Company may apply to a court of summary jurisdiction acting for the petty sessional division in which the street is situate to dispense with the consent of such owner or occupier or to amend or annul the terms and conditions attached by the owner or occupier to his consent.

(2) If on any such application by the Company the court is of the opinion that the consent of the owner or occupier has been unreasonably withheld or that the terms or conditions attached by the owner or occupier to his consent are unreasonable the court may by order authorise the Company to lay or place such pipe or other works in the street without the consent of such owner or occupier but subject to such terms and conditions (if any) as the court may by the order prescribe and on the making of the order the Company may exercise with respect to the street the powers of section 6 of the said Act of 1847 but subject to the provisions of sections 8 to 12 of the said Act of 1847 and to the terms and conditions (if any) prescribed by the order:

Provided that in the application of the provisions of the said sections 8 to 12 of the said Act of 1847 to any street which has been laid out and formed but not dedicated to public use the persons having the control or management of the street shall be deemed to include the authority by whom the street would be maintained or repaired if it became a highway repairable by the inhabitants at large and the notice in writing required by the said section 8 and a copy of the plan referred to in section 9 of the said Act of 1847 shall be served on those persons.

(3) The powers conferred upon the Company by this section shall not be exercised in respect of any street belonging to a railway company except with the consent of the railway company. The said consent shall not be unreasonably withheld and if any difference arises between the railway company and the Company as to whether such consent is in any case unreasonably withheld the difference shall be



determined by an arbitrator to be agreed upon by the railway company and the Company or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers. The Company in carrying out the works authorised by this section shall not unreasonably obstruct or interfere with the access to any such street.

(4) Nothing in this section shall limit the powers of the Company under section 31 (Power to lay pipes in streets not dedicated to public use) of the Act of 1900.

34.—(1) Nothing in this Act shall authorise the Company (except with the consent of the conservators of the river Thames which shall not be unreasonably withheld) to construct or lay down any pipe or other work which either directly or indirectly interferes with or will interfere with that part of the channel of the river Thames above Teddington Lock and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by a distinctive colour on the map of the Thames catchment area prepared and for the time being approved by the Minister of Agriculture and Fisheries under and pursuant to section 5 of the Land Drainage Act 1930.

Saving for conservators of river Thames.

20 & 21  
Geo. 5. c. 44.

(2) Any question as to whether such consent as aforesaid is unreasonably withheld shall be referred to and determined by an arbitrator to be agreed upon between the Company and the said conservators or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 and 1934 and any statutory modification thereof for the time being in force shall apply to the reference.

52 & 53 Vict.  
c. 49.  
24 & 25  
Geo. 5. c. 14.

35. In addition to the powers conferred upon them by section 4 of the Gas Undertakings Act 1929 the Company may purchase and may sell liquid butane or liquid propane or any other similar liquid which is intended to be converted into gas and which is derived from a process other than the process of carbonisation or gasification of coal or coke and may also use such liquid for the enrichment of gas supplied by them.

Extension of section 4 of Gas Undertakings Act 1929.

36. The expense of changing and testing any meter which at the request of a consumer has been tested in manner provided by regulations made by the Board of Trade under the Gas Regulation Act 1920 and found to register erroneously to a degree exceeding the degree permissible under those regulations shall be borne by the Company but if the meter

Inspection and testing of meters.

10 & 11  
Geo. 5. c. 28.

has been found not so to register erroneously shall be borne by the consumer.

Fittings not to  
be subject to  
distress.

37.—(1) All meters fittings engines stoves ranges pipes and other apparatus and appliances (all of which are hereinafter in this section referred to as and included in the expression "fittings") let by the Company on hire under section 26 (Power to supply gas fittings &c. for heating and other purposes) of the Act of 1900 or belonging to the Company but being upon premises of which the Company are not in possession shall whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate or to the soil under any such premises at all times continue to be the property of and subject to the provisions of the Hire Purchase Act 1938 be removable by the Company and shall not be subject to distress or to the landlords' remedy for rent of the premises where the same may be or to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

1 & 2  
Geo. 6. c. 53.

(2) For the purposes of this section fittings disposed of by the Company on the terms of payment by instalments shall until the whole of the instalments have been paid be deemed to be fittings let on hire by the Company.

(3) Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any fittings are or shall be fixed.

(4) In the said section 26 of the Act of 1900 the words from "The fittings engines" to the end of the section are hereby repealed.

For  
prevention  
of improper  
use of gas.

38. If any person supplied with gas by the Company improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Company to any consumer, the Company may if they think fit cease to supply gas to such person.

Recovery of  
sums due for  
fittings &c.

39. If the Company commence proceedings against any consumer for the summary recovery of any sum due for a supply of gas any other sum due or payable to the Company by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of gas or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or

removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of gas. Provided that the sum so included as aforesaid shall not exceed twenty pounds in any one summons.

40. Part I of the Second Schedule (Regulations affecting co-partnership scheme) to the Order of 1921 is hereby amended as follows:—

Provisions  
as to co-  
partnership  
scheme.

- (i) In regulation No. 2 the words "entitled to" shall be substituted for the words "holding in his own right";
- (ii) In regulation No. 8 the words "who was previously entitled to the stock." shall be substituted for the words "in whose name the stock was previously registered";
- (iii) In regulation No. 11 the words "to which he is entitled" shall be substituted for the words "registered in his name."

41. Save as otherwise by the East Surrey Gas Acts and Orders 1865 to 1941 expressly provided all offences against any Act or Order from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable under any such Act or Order or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
penalties.

42. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the Company whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

Recovery of  
demands.

43.—(1) The following sections of the East Surrey Gas Acts and Orders 1865 to 1928 if and so far as not already repealed by the Gas Undertakings Act 1934 are hereby repealed:—

Repeal.

Act of 1900—

Section 28 (Gas consumers to give notice to Company before removing);

Section 30 (Period of error in defective meters):

## Order of 1921—

Section 25 (As to premises using electricity or other gas);

Section 28 (Power to require use of anti-fluctuators &c.);

Section 29 (Power to enter premises and remove fittings);

Section 30 (As to mode of cutting off supplies);

Section 31 (Occupier to pay expenses of reconnecting discontinued supply);

Section 41 (Power to offer stock for subscription and pay commissions):

## Order of 1924—

Section 24 (Provision of valve where high pressure air is used).

(2) The following further sections of the East Surrey Gas Acts and Orders 1865 to 1928 are also hereby repealed:—

## Act of 1865—

Section 34 (Power to purchase lands):

## Act of 1900—

Section 8 (Power to purchase lands by agreement);

Section 23 (As to name of stock):

## Order of 1921—

Section 22 (Power to purchase lands by agreement);

Section 40 (New stock to be sold by auction or tender);

Section 61 (Recovery of penalties);

Section 62 (Recovery of demands):

## Order of 1928—

Section 35 (As to issue of stock by auction or tender).

(3) The following further provisions of the Act of 1900 are hereby repealed:—

(a) the words from “ Provided ” to “ insurance fund ” in section 2 (Incorporation of general Acts); and

(b) the words “ and such capital stock shall be transmissible and transferable in amounts of one pound or multiples of a pound ” at the end of subsection (5) of section 21 (Conversion of capital).

Costs of  
Act.

44. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULE referred to in the foregoing Act.

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LANDS FOR MANUFACTURE OF GAS.

(A) A piece of land in the urban district of Dorking containing by admeasurement 1 acre 2 roods and 30 perches or thereabouts comprising parts of the properties numbered 130 and 135 on the Ordnance map (scale 1/2500) revision of 1934 Surrey sheet XXV.15 and bounded on the east by land belonging to the Company on the south by a further part of the said property numbered 135 on the west by the properties numbered 131 and 134 on the said sheet of the said map and on the north or north-east by the land (B) hereinafter described.

(B) A piece of land in the urban district of Dorking containing by admeasurement 6 acres 3 roods and 5 perches or thereabouts comprising the property numbered 131 and part of the property numbered 129 on the said sheet of the said Ordnance map and bounded on the east or south-east by land belonging to the Company on the south or south-west partly by land belonging to the Company partly by the land (A) above described and partly by the said property numbered 134 on the west by the property numbered 133 on the said sheet of the said map and on the north or north-east partly by land belonging to the Southern Railway Company and partly by Station Road.

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