



## CHAPTER clxxxi.

An Act to make further provision for regulating the supply of gas by the Gaslight and Coke Company, the Commercial Gas Company, and the South Metropolitan Gas Company, and to amend the Acts relating to the said Companies. A.D. 1880.  
[26th August 1880.]

**W**HEREAS by the Gaslight and Coke Company Act, 1876, the Commercial Gas Act, 1875, and the South Metropolitan Gaslight and Coke Company's Act, 1876, further provisions were made for regulating the supply of gas within the limits within which the said companies were respectively authorised to supply gas, and the said companies were respectively made liable in certain cases to the forfeitures fixed by the said Acts respectively : 39 & 40 Vict.  
c. ccxxv.  
38 & 39 Vict.  
c. cc.  
39 & 40 Vict.  
c. ccxxix.

And whereas it is expedient to amend the provisions of the said Acts respectively with respect to the testing of the gas supplied by the said companies respectively, and with respect to such forfeitures as aforesaid, and in other respects as by this Act provided :

And whereas the objects aforesaid 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 Queen'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,)

1. This Act may be cited for all purposes as the Gaslight and Coke and other Gas Companies Acts Amendment Act, 1880. Short title.

2. In this Act—

The expression "the city" means the city of London and the liberties thereof :

The expression "the corporation" means the mayor, aldermen,  
Interpretation of expressions.  
[Local.-181.] A 1

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and commons of the city of London in common council assembled :

The expression "the Metropolitan Board" means the Metropolitan Board of Works :

The expression "the special Act," in relation to any of the companies to which this Act applies, means and includes any and every Act of Parliament relating exclusively to such company, and so much of any and every other Act of Parliament as affects such company :

The expression "the district," in relation to any of the companies to which this Act applies, means the area within the limits of this Act in which such company is for the time being authorised to supply gas :

The expression "testing place" shall mean a testing place prescribed and certified by the gas referees :

The expression "the controlling authority," in relation to any place in the city, means the corporation, and in relation to any other place within the limits of this Act means the Metropolitan Board.

Limits of  
Act.  
18 & 19 Vict.  
c. 120.

3. This Act shall not be in force in any place beyond the limits of the metropolis as such limits are defined by the Metropolis Management Act, 1855.

Application  
of Act.

4. This Act shall extend and apply to the companies following ;  
(that is to say,)

The Gaslight and Coke Company ;

The Commercial Gas Company ; and

The South Metropolitan Gas Company ;

and throughout the districts of the said companies and for the purposes of its application throughout any one of such districts the expression "the Company" shall be construed to mean such one of the said companies as is for the time being authorised to supply gas in such district, and the expression "the gas referees," "the chief gas examiner," and "gas examiner" shall respectively have the meanings assigned to the same expressions in the special Act of such company, and the special Act of such company, as amended by this Act, and this Act shall be construed together as one Act.

Power to  
gas referees  
to visit  
testing  
places.

5. The gas referees shall from time to time, after giving notice to the controlling authority, visit the testing places and examine the apparatus for the purpose of ascertaining that it is kept in good and proper repair and working order.

Mode and  
times of  
testing

6. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the pressure at



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which gas is supplied by the Company, and a gas examiner shall in the mode so prescribed test the pressure at which gas is supplied at such hour and in such street or part of a street as the controlling authority may from time to time by an order in writing appoint, and within three days of the receipt of such order.

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 pressure of  
 gas.

7. A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining whether during the whole of each day the illuminating power and purity of the gas supplied at such testing place by the Company are such as are respectively prescribed under the special Act. Provided that the tests for illuminating power shall be taken at intervals of not less than one hour.

Daily test-  
 ing for  
 illuminating  
 power and  
 purity.

And in the event of the gas being ascertained to be defective in any such particular, such examiner shall forthwith give notice thereof to the Company.

8. The average of all the testings at any testing place on each day of the illuminating power of the gas supplied by the Company, at such testing place shall be deemed to represent the illuminating power of such gas on that day at such testing place.

What shall  
 be deemed  
 illuminating  
 power for  
 each day.

9. The average of all the testings at any testing place on any day of the purity of the gas supplied by the Company at such testing place shall be deemed to represent the purity of such gas on that day at such testing place.

Average of  
 testings of  
 purity.

Provided always, that if on any one day the gas supplied by the Company at such testing place is of less purity than it ought to be under the special Act, the average of all the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place.

10. The Company may, if they think fit, on each occasion of the testing at any testing place of the illuminating power, purity, and pressure of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing, and the controlling authority shall state at what times it is proposed to make such testings on any particular day upon receiving a request in writing from the Company in the forenoon of the previous day.

Company  
 may be re-  
 presented at  
 testings.

11. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by the Company conducted by him on the immediately preceding day to the controlling authority, to the gas referees, to the chief gas examiner, and to the Company, and the books kept by a gas examiner for recording the results of the testing of such gas by him shall be open

Daily reports  
 and access to  
 books.

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Appeal to  
chief gas  
examiner.

**12.** If the Company think themselves aggrieved by any report of a gas examiner they may, within seven days after the day on which that report is delivered to the Company, appeal to the chief gas examiner, whose decision after hearing the parties shall be final and conclusive, and the chief gas examiner shall forthwith report every such decision to the controlling authority and to the Company.

If in any case the Company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive.

Quarterly  
report of  
chief gas  
examiner.

**13.** Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the controlling authority and to the Company on the results of the daily testings made in that quarter, and shall state therein with respect to gas supplied by the Company in that quarter—

(1.) The illuminating power on each day at each testing place.

(2.) The amount of impurity in each form on each day at each testing place.

(3.) The results of each testing of pressure.

Forfeiture  
for defect  
of power.

**14.** If on any day the gas supplied by the Company at any testing place is of less illuminating power than it ought to be under the special Act, the Company shall be liable to the following forfeitures :

For the first half of a candle of defective power, forty shillings ;  
and

For the first and every subsequent candle of defective power, a sum not less than twenty-five pounds and not exceeding one hundred pounds, having regard to the relative quantities of gas manufactured by the respective companies.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of defective illuminating power in the gas supplied by the Company at one testing place on any day shall not be entitled to any further forfeiture in respect of defective illuminating power in the gas supplied by the Company at any other testing place of such controlling authority on the same day.

Forfeiture  
for excess  
of impurity.

**15.** If on any day the gas supplied by the Company at any testing place is of less purity than it ought to be the Company shall forfeit a sum not exceeding fifty pounds for each occasion on which they are so in default.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of excess of im-

purity in the gas supplied by the Company at one testing place on any day shall not be entitled to any further forfeiture in respect of excess of impurity in the gas supplied by the Company at any other testing place of such controlling authority on the same day ; and provided also, that the average of the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place. A.D. 1880.

16. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by the Company is supplied at a pressure less than it ought to be under the special Act, the Company shall in each case forfeit a sum not exceeding ten pounds. Forfeiture for insufficiency of pressure.

Provided always, that the controlling authority having recovered one forfeiture in respect of insufficiency of pressure in the gas supplied by the Company during any period of twenty-four hours shall not be entitled to any further forfeiture in respect of insufficiency of pressure in the gas supplied by the Company during the same period.

17. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident. Saving for unavoidable accident.

18. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective illuminating power, excessive impurity in, or insufficient pressure of the gas supplied by the Company, shall be conclusive evidence of the liability of the Company to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress, and on proof of any such report before a magistrate at any time within one month after the date of the report, such magistrate shall issue his warrant of distress accordingly. Evidence of liability to forfeiture.

19. Every such forfeiture, and any loss arising from fraud of the servants of the Company which the auditor (appointed as in the special Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid to the satisfaction of such auditor exclusively by and out of the divisible profits of the Company, and by way of reduction of dividend. Forfeiture and losses from fraud, &c.

20. Every forfeiture imposed by this Act shall be recovered, applied, and appropriated in the manner provided by sections forty-six and fifty-three of the Metropolis Gas Act, 1860, and the said Recovery of forfeitures, &c. 23 & 24 Vict. c. 125.



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Repeal of  
Acts to the  
extent  
specified in  
Schedule.

**21.** From and after the passing of this Act the Acts specified in the first column of the Schedule to this Act annexed shall within the limits of this Act be and the same are hereby repealed to the extent specified in the second column of that Schedule. Provided that this repeal shall not affect—

- (a.) The past operation of any enactment hereby repealed, nor anything done or suffered under any enactment hereby repealed ;
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ;
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence or default committed against any enactment hereby repealed ; nor
- (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Expenses of  
Act.

**22.** All costs, charges, and expenses preliminary to and of and incidental to the preparing of, obtaining, and passing of this Act shall be paid by the Corporation out of their corporate funds, and by the Metropolitan Board as expenses incurred by them in the execution of the Metropolis Management Act, 1855, in such proportions as the Board of Trade may by writing signed by a Secretary or an Assistant Secretary of the said Board order and direct.

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SCHEDULE

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SETTING FORTH THE ENACTMENTS REPEALED BY THE  
FOREGOING ACT.

Acts.	Extent of Repeal.
The Gaslight and Coke Company Act, 1876.	So much of sections 27 and 34 as relates to the pressure of gas ; and Sections 40 to 56, both inclusive.
The Commercial Gas Act, 1875.	In section 32 the following words "one such place being prescribed for every station from which gas is supplied in the district supplied from such station," and so much of the said section and of section 26 as relates to the pressure of the gas and Sections 37 to 51, both inclusive.
The South Metropolitan Gaslight and Coke Company's Act, 1876.	So much of sections 28 and 35 as relates to the pressure of the gas ; and Sections 41 to 56, both inclusive.

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