CHAPTER cxl.

An Act to amend the enactments relating to the calorific power of the gas supplied by the Gas Light and Coke Company and to relieve that Company from their obligations as to the illuminating power of such gas and for other purposes. [7th August 1914.]

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WHEREAS the Gas Light and Coke Company (hereinafter referred to as "the Company") were originally incorporated by Royal Charter in the year one thousand eight hundred and twelve and received further powers under various Acts of Parliament being ultimately incorporated in perpetuity by the Act 59 Geo. III. cap. 20 (Local):

59 Geo. 3. c. 20.

And whereas by the Gas Light and Coke Company's Act 1868 all the prior Acts of the Company were repealed and the Company were continued and the provisions of all such prior Acts were consolidated and re-enacted:

31 & 32 Vict. c. cvi.

And whereas by virtue of the said Gas Light and Coke Company's Act 1868 and of subsequent Acts the Company are empowered to manufacture and supply gas within a large part of the county of London and parts of the counties of Middlesex and Essex:

And whereas by virtue of various Acts regulating or affecting the undertaking of the Company the gas supplied by the Company is required to be of a prescribed illuminating power of fourteen candles when tested in manner provided by those Acts and the Company are liable to certain penalties in case the illuminating power of the gas supplied by them is less by a defined extent than such prescribed illuminating power:

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9 Edw. 7. c. lxxxvii.

And whereas by the Gas Light and Coke Company's Act 1909 (hereinafter referred to as "the Act of 1909") the gas supplied by the Company in their area of supply as existing immediately before the first day of January one thousand nine hundred and ten and in the area (formerly the area of supply of the West Ham Gas Company) which was by the Act of 1909 added as from the said date to the said existing area of supply in consequence of the vesting by virtue of that Act of the undertaking of the said West Ham Gas Company in the Company was required to be of the standard calorific power prescribed by that Act and the said Act contained various provisions as to the testing for such calorific power of the gas supplied by the Company and the Company were made liable to certain penalties in case the calorific power of the gas supplied by them should be less by a defined extent than such standard calorific power:

And whereas the Company were not by the Act of 1909 relieved from the obligation to supply gas of the prescribed illuminating power hereinbefore referred to or from the liability to penalties in case the gas supplied by them should be of less illuminating power than as aforesaid and the Company are consequently under the dual obligation to supply gas of such prescribed illuminating power and calorific power as aforesaid and are under the dual liability to penalties in case the gas supplied by them should be either of less illuminating power or of less calorific power than as hereinbefore mentioned:

And whereas in consequence of the almost universal adoption of incandescent burners for the consumption of gas for lighting purposes and of the largely increased use of gas for cooking heating and power purposes it is of considerable importance that the calorific power of the gas supplied by the Company should be adequate and as nearly as may be uniform and the illuminating power of the gas so supplied is relatively of small importance:

And whereas it is expedient that the standard calorific power of the gas supplied by the Company should be expressed in terms of British thermal units gross per cubic foot instead of in terms of calories net per cubic foot as provided by the Act of 1909 and that the standard calorific power prescribed by the Act of 1909 and the other provisions of that Act relative thereto should be amended as provided by this Act:

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And whereas the dual obligation and liability hereinbefore referred to while irksome to the Company are not conducive to the interests of the consumers of gas supplied by them and it is expedient that the Company should be relieved from their obligation to supply gas of the prescribed illuminating power hereinbefore referred to and from the liability to penalties in case the gas supplied by them should be of less illuminating power than such prescribed illuminating power:

1 & 2 Geo. 5. c. xlvi.

And whereas by virtue of the Gas Light and Coke Company's Act 1911 the undertakings of the Barking Gas Company and the Chigwell Loughton and Woodford Gas Company were vested in the Company and it was provided by that Act that nothing therein should entitle any gas examiner appointed by the local authority of any district within the area added by the said Act to the area of supply of the Company to make any tests of the calorific power of the gas supplied within such added area:

And whereas it is expedient that the provisions of the Act of 1909 as amended by this Act with respect to the calorific power of the gas supplied by the Company should be extended so as to apply within such added area as last aforesaid in substitution for the provisions applicable to that area relating to the illuminating power of the gas supplied by the Company therein:

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):—

Short title.

1. This Act may be cited as the Gas Light and Coke Company's Act 1914.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand nine hundred and fifteen which date is in this Act referred to as "the appointed day."

Interpretation.

3. In this Act—

The expression "the Company" means the Gas Light and Coke Company;

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The expression "the Act of 1880" means the Gaslight and Coke and other Gas Companies Acts Amendment Act 1880;

The expression "the Act of 1909" means the Gas Light and Coke Company's Act 1909;

The expression "the Act of 1911" means the Gas Light and Coke Company's Act 1911;

The expression "the West Ham District" means the several areas included in that expression as used in the Act of 1909 and specified in the First Schedule to that Act being the areas formerly supplied by the West Ham Gas Company and now forming part of the area of supply of the Company;

The expression "the Barking District" means the several areas included in that expression as used in the Act of 1911 and specified in the First Part of the Second Schedule to that Act being the areas formerly supplied by the Barking Gas Company and now forming part of the area of supply of the Company;

The expression "the Chigwell District" means the several areas included in that expression as used in the Act of 1911 and specified in the Second Part of the said Second Schedule to that Act being the areas formerly supplied by the Chigwell Loughton and Woodford Gas Company and now forming part of the area of supply of the Company; and

The expression "British thermal units" means British thermal units gross per cubic foot of gas.

Substitution of new standard calorific power of gas supplied by Company.

4.—(1) Section 39 (Calorific power of gas supplied) of the Act of 1909 shall be and the same is hereby repealed and the following provisions shall apply and have effect in lieu thereof:—

(*a*) The standard calorific power of the gas supplied by the Company in any part of their area of supply shall be five hundred and forty British thermal units Provided that the Company shall not be liable to any penalty or proceedings for or in respect of any deficiency in the calorific power of the gas supplied by them except under and in accordance with the express provisions of this Act:

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(*b*) One testing only for calorific power shall be made at each testing place daily but in the event of the calorific power being on any testing ascertained to be below the standard calorific power to an extent exceeding seven and one half per centum the gas examiner shall forthwith give notice thereof to the Company and a second testing shall be made at an interval of not less than one hour from the time of making the first testing at that testing place and the average of the two testings shall be deemed to be the calorific power of the gas at such testing place on that day.

(2) Section 42 (Power to Board of Trade to vary standard calorific power) of the Act of 1909 shall be read and construed accordingly.

As to apparatus for and mode of testing calorific power.

5. The apparatus to be prescribed by the gas referees for testing the calorific power of the gas supplied by the Company shall be the most suitable for ascertaining and in making the test shall be used in such a manner and under such conditions as to ascertain after any necessary calculations have been made the total heat value of the gas.

Amendment of existing provisions as to testing for calorific power.

6. Section 40 (Provisions as to testing for calorific power in London) and section 41 (Provisions as to testing for calorific power in West Ham District) of the Act of 1909 shall be read and have effect subject to the following amendments thereof:—

(*a*) Subsections (1) and (2) of the said section 40 and subsections (3) and (4) of the said section 41 shall be and the same are hereby repealed:

(*b*) In lieu of the said subsection (2) of the said section 40 the following provisions shall have effect:—

The Company shall not be liable to any forfeiture for defective calorific power where the calorific power on any day of the gas supplied by them is not below the standard calorific power to an extent exceeding seven and one half per centum but where the calorific power on any day of such gas is below the standard calorific power to an extent exceeding seven and one half per centum the Company shall be liable to the following forfeitures in respect of any deficiency

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beyond such last-mentioned margin (that is to say) :—

Where the deficiency does not exceed fourteen British thermal units five pounds;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding ten pounds;

For each complete twenty-eight British thermal units of defective power a sum not less than twenty-five pounds and not exceeding one hundred pounds:

Provided always that the controlling authority of any testing place having recovered one forfeiture in respect of defective calorific 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 calorific power in the gas supplied by the Company at any other testing place of such controlling authority on the same day Provided also that no forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of calorific power was occasioned by an unavoidable cause or accident:

(*c*) In lieu of the said subsection (4) of the said section 41 the following provisions shall have effect:—

The Company shall not be liable to any forfeiture for defective calorific power where the calorific power on any day of the gas supplied by them at any such testing place is not below the standard calorific power to an extent exceeding seven and one half per centum but where the calorific power on any day of such gas is below the standard calorific power to an extent exceeding seven and one half per centum the Company shall be liable to the following forfeitures in respect of any deficiency beyond such last-mentioned margin (that is to say):—

Where the deficiency does not exceed fourteen British thermal units five pounds;

Where the deficiency exceeds fourteen British thermal units but does not amount to twenty-eight British thermal units a sum not exceeding ten pounds;

For each complete twenty-eight British thermal units of defective power a sum not exceeding twenty pounds.

Extension of provisions as to calorific power to parts of area of supply where not now applicable.

7.—(1) Section 41 (Provisions as to testing for calorific power in West Ham District) of the Act of 1909 as amended by this Act shall extend and apply to and with respect to the Barking District and the Chigwell District as if those districts were comprised in the West Ham District except that the period within which the Company shall cause to be provided at each of the prescribed testing places within the Barking District and the Chigwell District apparatus for testing the calorific power of the gas supplied by them at such testing place shall be the period expiring on the appointed day.

(2) Subsection (7) of section 20 (As to testing of gas in Barking and Chigwell Districts) of the Act of 1911 shall be and the same is hereby repealed.

Relief of Company from obligations as to prescribed illuminating power of gas.

8.—(1) Every enactment in force immediately before the appointed day whereby or by virtue whereof the gas supplied by the Company is required to be of a prescribed illuminating power shall cease to apply with respect to such gas.

(2) Except as provided by subsection (4) of section 5 (As to testing for calorific power sulphur impurities and illuminating power with flat-flame burner) of the London Gas Act 1905 and by subsection (4) of the section of this Act of which the marginal note is "As to testing for illuminating power with flat-flame burner in West Ham East Ham and Leyton" the Company shall cease to be under any liability or obligation to provide or maintain at any testing place within their area of supply any apparatus for testing the illuminating power of such gas but subject as aforesaid shall be at liberty to remove from all or any of the said testing places any such apparatus.

(3) The Company shall not be liable to any penalty in respect of the illuminating power of the gas supplied by them.

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Amendment of provisions of Gas Light and Coke Company Act 1876 as to testing for quality.

9. Section 27 (Mode and times of testing illuminating power and pressure) of the Gas Light and Coke Company Act 1876 shall be and the same is hereby repealed and section 34 (Provision of testing places and apparatus) of the said Act shall be read and have effect as if all reference to the illuminating power of the gas supplied by the Company were omitted therefrom but nothing in this section shall interfere with or affect the operation of section 5 (As to testing for calorific power sulphur impurities and illuminating power with flat-flame burner) of the London Gas Act 1905.

Amendment of provisions of Act of 1880 as to testing for illuminating power &c.

10. The Act of 1880 as amended by the Act of 1909 shall be deemed to be further amended as follows (that is to say):—

(*a*) Section 7 (Daily testing for illuminating power and purity) thereof in its application to the Company shall be read and construed as if all reference to illuminating power and to tests therefor were omitted therefrom:

(*b*) Section 8 (What shall be deemed illuminating power for each day) thereof shall cease to apply with respect to the gas supplied by the Company:

(*c*) Section 13 (Quarterly report of chief gas examiner) thereof in its application to the gas supplied by the Company shall be read and have effect as if the words "(1) The illuminating power on each day at each testing place" were omitted therefrom:

(*d*) Section 14 (Forfeiture for defect of power) thereof shall cease to apply with respect to the gas supplied by the Company;

(*e*) Section 17 (Saving for unavoidable accident) thereof shall in its application to forfeitures to be incurred by the Company be read and construed as if the words "the defect of illuminating power" were omitted therefrom.

Amendment of section 33 of West Ham Gas Act 1902 and of section 17 of Act of 1909.

11. Except as provided by the section of this Act of which the marginal note is "As to testing for illuminating power with flat-flame burner in West Ham East Ham and Leyton"—

(*a*) The Company shall cease to be under any obligation by virtue of section 33 (Testing place) of the West Ham Gas Act 1902 to provide or maintain at the

testing place referred to in that section any apparatus or machinery for testing the illuminating power of the gas supplied by the Company:

(*b*) The testing place provided pursuant to section 17 (As to testing place at Canning Town) of the Act of 1909 shall cease to be used for testing the illuminating power of the gas supplied by the Company and notwithstanding anything in that section the Company shall cease to be under any obligation to provide keep or maintain in that testing place any apparatus for testing the illuminating power of the gas supplied by them.

Amendment of provisions of London Gas Act 1905 as to testing for illuminating power &c.

12. The London Gas Act 1905 as amended by the Act of 1909 shall be deemed to be further amended as follows (that is to say):—

(*a*) Section 3 (As to burner for testing illuminating power) thereof shall cease to apply to the Company or to the gas supplied by them:

(*b*) Subsection (1) of section 4 (Illuminating power) thereof as amended by section 38 (Illuminating power) of the Act of 1909 shall be and the same is hereby repealed:

(*c*) Subsection (3) of the said section 4 shall cease to apply to the gas supplied by the Company:

(*d*) Section 9 (Appeal by Company to chief gas examiner against prescription or certification of gas referees) thereof shall in its application to the Company be read and construed as if the words "any apparatus for testing calorific power" were substituted therein for the words "a burner or a chimney":

(*e*) Section 12 (Further powers to chief gas examiner as to forfeitures) thereof shall in its application to the Company be read and construed as if a reference to the provisions enacted by this Act in lieu of subsection (2) of section 40 (Provisions as to testing for calorific power in London) of the Act of 1909 were substituted in the said section 12 for the reference therein to section 14 of the Act of 1880:

(*f*) Section 14 (Amendment of section 18 of Act of 1880) thereof shall in its application to the gas supplied

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by the Company be read and construed as if the expression "defective calorific power" were substituted therein for the expression "defective illuminating power."

Amendment of section 18 of Act of 1909 and section 20 of Act of 1911 as to testing for illuminating power.

13. Section 18 (As to testing of gas in West Ham District) of the Act of 1909 and section 20 (As to testing of gas in Barking and Chigwell Districts) of the Act of 1911 shall be deemed to be amended as follows (that is to say):—

(*a*) The provisions of the Gasworks Clauses Act 1871 applied by subsection (1) of each of the said sections shall not include the provisions of that Act with respect to the testing of the illuminating power of the gas supplied or to penalties in respect of defective illuminating power and the said subsection (1) of each of the said sections shall be read and construed as if all reference to the testing of the illuminating power of the gas supplied by the Company were omitted therefrom:

(*b*) Subsection (2) of the said section 18 shall be read and construed as if the words "(*a*) Defective illuminating power; or" were omitted therefrom:

(*c*) Subsection (2) of the said section 20 shall be read and construed as if the words "Defective calorific power" were substituted therein for the words "Defective illuminating power."

Repeal of section 38 of Act of 1909.

14. Section 38 (Illuminating power) of the Act of 1909 shall be and the same is hereby repealed.

Amendment of sections 40 and 41 of Act of 1909 as to testing for illuminating power.

15. Section 40 (Provisions as to testing for calorific power in London) and section 41 (Provisions as to testing for calorific power in West Ham District) of the Act of 1909 shall be deemed to be amended as follows (that is to say):—

(*a*) In subsection (8) of the said section 40 the words "instead of" shall be substituted for the word "after":

(*b*) Subsection (3) of the said section 40 and subsection (6) of the said section 41 shall be read and construed as if the words "illuminating power" and the words "illuminating power and" were omitted therefrom respectively.

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Company to substitute suitable burners free of charge.

16.—(1) The Company shall at any time within two years after the appointed day—

(*a*) if and when required by any consumer of gas supplied by them supply to such consumer and fix free of charge flat-flame burners suitable in all respects for the consumption of gas of the quality prescribed by this Act in substitution for any flat-flame burners in use by such consumer before the appointed day:

(*b*) if and when required by any consumer of gas supplied by the Company upon the appointed day by means of a pre-payment meter upon whose premises no incandescent burner shall have been fixed before the appointed day supply to such consumer and fix free of charge one incandescent burner suitable in all respects for the consumption of gas of the quality prescribed by this Act in exchange for such one of the flat-flame burners in use by such consumer upon such premises before the appointed day as he may select.

(2) Notice of the provisions of the preceding subsection of this section shall be given on each demand note of the Company sent out in respect of the March and June quarters respectively of the year one thousand nine hundred and fifteen.

As to testing for illuminating power with flat-flame burner in West Ham East Ham and Leyton.

17.—(1) Any gas examiner appointed by the mayor aldermen and burgesses of the county borough of West Ham or by the mayor aldermen and burgesses of the county borough of East Ham or by the Leyton Urban District Council (each of which authorities is in this section referred to as and included in the expression "the local authority") may at any testing place at which he is entitled pursuant to the provisions of this Act to test the calorific power of the gas supplied by the Company make in such manner and by means of a flat-flame burner of such pattern as may for the time being be prescribed by the gas referees under section 5 (As to testing for calorific power sulphur impurities and illuminating power with flat-flame burner) of the London Gas Act 1905 testings of such gas for the purpose of ascertaining the illuminating power thereof when consumed in such burner.

(2) Each gas examiner shall forthwith deliver to the local authority and to the Company a report of the result of each testing conducted by him under the provisions of this section.

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(3) The Company shall not be liable to forfeitures in respect of any testing made under the provisions of this section.

(4) The Company shall provide and maintain at each such testing place as aforesaid apparatus and materials similar in all respects to those which may for the time being be prescribed by the gas referees under the said section 5 of the London Gas Act 1905 for use for the purpose of testings for ascertaining the illuminating power of the gas supplied by the Company as ascertained by means of a flat-flame burner and shall give to any gas examiner access to any testing place and shall afford to him all facilities for the proper execution of his duty under this section.

(5) The gas examiner shall make in accordance with this section testings at any such testing place as aforesaid on such days (exclusive of Sundays) as the local authority shall direct.

(6) The local authority shall give to the Company not less than six hours' notice in writing of their intention to make a testing under the provisions of this section of the gas supplied by the Company and shall state in such notice the day on which and the hour at which they intend to make such testing.

(7) The provisions of section 31 of the Gasworks Clauses Act 1871 shall apply to any testing made under this section.

Substitution of new provision for section 44 of Act of 1909.

18. Section 44 (As to charge for gas south of River Thames) of the Act of 1909 shall be and the same is hereby repealed and in lieu thereof the following provision shall have effect (that is to say):—

Section 39 (Limits of United Company) of the scheme for the amalgamation of the London Gas Light Company with the Gas Light and Coke Company confirmed by Order in Council dated the twenty-second day of May one thousand eight hundred and eighty-three shall be read and have effect as if the words "sixteen candle" the words "of the same illuminating power" and the words "of similar quality" were omitted from the second proviso to that section.

Saving general legislation.

19. This Act shall not by reason only of the enactment of the provisions thereof confer any exemption from any general legislation relating to the supply of gas which may be passed in this or any future session of Parliament but the provisions of

this section shall not be construed as preventing the conferring of any such exemption or the enactment in any such general legislation of any special provisions relating to the undertaking of the Company. A.D. 1914.

20. 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 out of their revenue. Costs of Act.

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