CHAPTER xxxviii.

An Act to authorise the South Metropolitan Gas Company to purchase additional lands construct additional works enlarge their borrowing powers and amend their Acts. A.D. 1882.

[19th June 1882.]

WHEREAS the South Metropolitan Gas Company (herein-after called "the Company") supplies with gas nearly the whole of the south part of the metropolitan district which is extensively occupied with shops manufactories and private dwellings wherein a large quantity of gas is consumed and the consumption increases very largely every year while the Company are compelled to furnish any quantity that may be required and to make provision accordingly:

And whereas the Company were authorised by the South Metropolitan Gas Act 1881 herein-after called "the Act of 1881" to purchase compulsorily certain lands in Greenwich Marshes and to construct works for the manufacture and storage of gas and the conversion of residual products thereon and also to purchase by agreement certain other lands not exceeding thirty acres for the general purposes of their undertaking other than the construction of works as aforesaid: 44 & 45 Vict. c. clxxii.

And whereas the limits of the lands which the Company were authorised to purchase compulsorily for the construction of works as aforesaid included several acres which with a further quantity immediately adjoining but outside the said limits were held under one lease for a long term of years and were in one occupation and the Company have since purchased the entire lease and it is expedient that they should be authorised to purchase compulsorily the said lands outside the limits aforesaid and to construct works thereon:

And whereas the Company are by their several Acts authorised to raise by shares or stock a nominal sum of two million six hundred and eighty-two thousand pounds and to borrow in respect thereof a nominal sum of seven hundred and sixty thousand pounds and the said powers of borrowing are much larger in respect of certain

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parts of the said shares or stock than others being in the proportion of one seventh only for the first two million and eighty-two thousand pounds and three fourths for the remainder and it is expedient that a uniform proportion should be established and maintained between the share capital and the loan capital of the Company as herein-after provided:

And whereas the acquisition of the lands and the construction of the new works authorised by the Act of 1881 will require a large outlay of capital which for some time to come will be unproductive and it would be to the benefit of the public that the Company should be authorised to raise all the money required for these purposes at the lowest possible rate and it is expedient that the Company's powers of borrowing money should be amended and enlarged:

And whereas plans of the lands which may be taken for the purposes of this Act and also books of reference to the plans containing the names of the owners or reputed owners thereof were deposited with the clerk of the peace for the county of Kent in the month of March last, which plans are herein-after referred to as the "deposited plans":

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):

Short title.

1. This Act may be cited as the South Metropolitan Gas Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
10 & 11 Vict. c. 15.
34 & 35 Vict. c. 41.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 and the provisions of Part 3 of the Companies Clauses Act 1863 relating to debenture stock the Companies Clauses Act 1869 and the Gasworks Clauses Act 1847 except where expressly varied by this Act are incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall continue to apply to the existing undertaking of the Company as modified or enlarged by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expressions "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act shall for the purpose of this Act be read and have effect as if the debt or demand with respect

to which the expression is used were a common simple contract debt and not a debt or demand created by statute. A.D. 1882.

Power to purchase lands and construct gasworks.

4. Subject to the provisions of this Act the Company may enter upon take and use all or any of the lands delineated upon the deposited plans and described in the schedule to this Act and may thereon erect construct and maintain and from time to time alter enlarge extend discontinue and renew all such works machinery and apparatus as are necessary for and incidental to the manufacture and storing of gas and the manufacture conversion and utilization and storing of residual products and matters producible therefrom and may sell and dispose of the same on the said lands and elsewhere.

Power to create and issue debenture stock equal to one third of capital received.

5. Notwithstanding anything contained in the several Acts relating to the Company the Company shall not after the passing of this Act borrow or reborrow any money upon mortgage but they may instead thereof from time to time create and issue debenture stock at a rate of interest not exceeding five pounds per centum per annum to an aggregate nominal amount not exceeding one-third part of the total capital received from the issue or sale of ordinary shares or stock under the powers of those Acts. Provided that after the passing of this Act the Company before raising any further capital by the issue or sale of ordinary shares or stock shall create and issue debenture stock equal as nearly as may be in nominal amount to one-third part of the total capital so received at that time and that the aggregate nominal amount of such debenture stock shall at all times thereafter be so maintained as to be as nearly as may be equal to one third of the total capital received as aforesaid and on proof being given to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies of the amount actually received (of which the accounts of the Company as certified by the official auditor for the half-year immediately preceding the application shall be sufficient) he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. 8 & 9 Vict. c. 16.

Interest on debenture stock to rank equally.

6. And whereas the Company have not borrowed any money upon mortgage and the authority to borrow on mortgage is repealed by this Act and no part of the debenture stock authorised by the Act of 1881 has been issued: Be it enacted that the debenture stock authorised by this Act shall be issued subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of any debenture stock issued under the authority of this Act shall rank equally with the

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interest of any debenture stock issued under the Act of 1881 or any subsequent Act of the Company.

Conditions as to issue of debenture stock.

7. It shall not be lawful for the Company to create and issue debenture stock except subject to and in accordance with the following provisions, that is to say :—

(1.) The Company shall offer the same for sale by public auction or by tender within the metropolis in such manner at such time and subject to such conditions of sale as the Company shall from time to time determine. Provided that notice of the amount of the reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner.

(2.) The intention to sell any such debenture stock by auction or by tender shall be communicated in writing to the clerk to the Metropolitan Board of Works and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised four times during the same period in two or more London daily newspapers.

(3.) Any sum of money which shall arise from the issue of any such debenture stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company and shall not be considered as entitled to dividend or interest.

Priority of debenture stock over other debts.

8. All moneys raised by the Company on debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their debenture stock nor shall anything in this section contained affect any claim for land taken used or

occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Money raised by debenture stock not to be converted into capital.

9. Notwithstanding anything contained in the 56th section of the Companies Clauses Consolidation Act 1845 the Company shall not raise any moneys by this Act authorised to be borrowed on debenture stock or any part of such moneys by the creation of shares or stock instead of borrowing or convert into capital the amount borrowed under the provisions of this Act.

Application of moneys raised by Company.

10. All moneys which the Company raise under this Act whether by debenture stock or by borrowing shall be applied for the general purposes of the Company to which capital is properly applicable and for no other purposes.

Expenses of Act.

11. All costs charges and expenses of and incidental to the preparing obtaining and passing of this Act or otherwise relating thereto shall be paid by the Company.

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SCHEDULE.

Gas Lands.

Land referred to in Clause 4.

A piece of land containing about eight acres and twenty-one perches or thereabouts situated on the banks of the Thames on the west side of Greenwich Marshes at the northern end and on the west side of Blackwall Lane and recently occupied by the Biphosphated Guano Company's works.

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