# CHAPTER cxxxvi.

An Act for the granting of further powers to the Woolwich Equitable Gas Company. [14th July 1884.]

A.D. 1884.

WHEREAS by the Woolwich Equitable Gas Company's Act 1855 (hereinafter referred to as "the Act of 1855") the Woolwich Equitable Gas Company (hereinafter referred to as "the Company") were incorporated and were empowered to supply with gas the town and parish of Woolwich and certain neighbouring parishes and by that Act the share capital of the Company was fixed at forty-eight thousand pounds whereof seventeen thousand eight hundred and ten pounds was to be divided into shares entitled to a dividend not exceeding ten pounds per centum per annum and thirty thousand one hundred and ninety pounds was to be raised as additional capital to be divided into shares entitled to a dividend not exceeding seven pounds and ten shillings per centum per annum if issued as ordinary and not exceeding six pounds per centum per annum if issued as preference shares:

18 & 19 Vict. c. xxvi.

And whereas the Company have not issued any preference capital:

And whereas it is expedient that the dividends from time to time payable by the Company be made dependent on the price for the time being charged by them for a supply of gas:

And whereas it is expedient that further powers be conferred on the Company with respect to the supply of appliances used in and for the consumption of gas:

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 as the Woolwich Equitable Gas Act 1884. Short title.

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Acts to be read as one Act.

**2.** This Act and the Act of 1855 as altered and amended by this Act shall be read and construed together as one Act and may be cited as "the Woolwich Equitable Gas Acts 1855 and 1884."

Incorporation of general Acts.

**3.** The Gasworks Clauses Act 1847 so far as the same is applicable for the purposes of and not varied by or inconsistent with the provisions of this Act is incorporated with and forms part of this Act. And the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by this Act.

The Company to be subject to the provisions of the Metropolis Gas Act 1860 as modified by this Act.

**4.** So much of section five (limits of Act) of the Metropolis Gas Act 1860 and of the schedule thereto as excepts the Company from the operation of that Act is hereby repealed and from and after the passing of this Act the provisions of the Metropolis Gas Act 1860 except as hereinafter mentioned and so far as the same are not inconsistent with the provisions of this Act shall extend and apply to and in relation to the Company and the gas supplied by them as if the Company had been expressly named in that Act as a company to which the same shall apply Provided that sections seven to twelve both inclusive sections twenty-five to thirty-five both inclusive and sections thirty-seven forty and forty-one of that Act shall not extend or apply to the Company and that the Act shall as to the Company be read throughout as if the Board of Trade had been inserted therein instead of Her Majesty's Principal Secretary of State for the Home Department.

In construing the Metropolis Gas Act 1860 for the purposes of this Act:—

The expression "common gas" shall mean gas of the illuminating power by this Act prescribed;

The price to be charged for gas supplied by the Company shall be the price as regulated by this Act and that price shall be the prescribed rate;

The "illuminating power" shall be the illuminating power by this Act prescribed;

"The burner" and "the suitable burner" shall be the burner by this Act prescribed.

As to illuminating power &c.

**5.** For the purposes of the application of the Gasworks Clauses Act 1871 to the undertaking of the Company the following provisions shall have effect (that is to say):—

(1.) The prescribed number of candles shall until the first day of January one thousand eight hundred and eighty-six be fourteen and from and after that date shall be sixteen;

(2.) The prescribed burner shall be such as immediately before the passing of this Act was the burner prescribed and used by

the referees under the South Metropolitan Gas Light and Coke Company's Act 1876 for the testing of gas;

(3.) The prescribed testing place or places shall be those from time to time prescribed in accordance with this Act;

(4.) The land on which alone the Company shall manufacture gas or residual products shall be the lands described in the schedule to this Act.

Pressure of gas.

**6.** All gas supplied by the Company to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six-tenths of an inch and from sunset to midnight not less than one inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer and any gas examiner appointed under this Act may subject to the terms of his appointment from time to time test the pressure at which the gas is supplied and may for that purpose open any street road passage or place vested in or under the control of any local or road authority.

Company may supply fittings &c. for heating and other purposes.

**7.** The Company may manufacture purchase let for hire use and sell gas and other fittings engines stoves ranges pipes and other apparatus for the lighting ventilating and warming of houses and buildings the cooking of food and for motive power and for all other purposes for which gas can or may be used and any such letting for hire may be for such remuneration in money and on such terms with respect to the repair of the articles and fittings let and for securing the safety and return to the Company of such articles and fittings and otherwise as may be agreed upon between the hirer and the Company.

Standard rates of dividend.

**8.** Except as in this Act provided the profits of the Company to be divided among the shareholders in any year shall not exceed the rate of ten pounds per centum per annum upon the share capital entitled under the Act of 1855 to ten pounds per centum per annum and seven pounds ten shillings per centum per annum on the share capital entitled under the same Act to seven pounds ten shillings per centum per annum which rates are respectively in this Act referred to as the standard rates of dividend.

Price of gas.

**9.** Section 39 (limiting charge for gas supplied by meter) of the Act of 1855 is hereby repealed as from the thirtieth day of June one thousand eight hundred and eighty-four but without prejudice to the recovery of any moneys then due to the Company in respect of a supply of gas or to any existing contracts or agreements with respect to such supply and from and after that date the standard price to be charged by the Company for gas supplied by them shall (subject to the provisions of this Act) be three shillings and six-

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pence per one thousand cubic feet Provided that the Company may increase or diminish such standard price subject to a decrease or increase in the standard rates of dividend on the ordinary shares or stock of the Company to be calculated as follows:—

For every penny charged in excess or in diminution of such standard price in any year the standard rates of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum.

Dividends on different classes of ordinary shares or stock to be paid proportionately.

**10.** In case in any half year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate deduction shall be made in the dividend of each class.

If profits exceed the amount limited excess may be invested and form an insurance fund.

**11.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend and the dividends on the preference capital of the Company (if any) the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in Government or other securities and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accidents strikes or other circumstances which in the opinion of a justice reasonable care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although the full limited amount of such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of excess of profits over standard rate of dividend.

**12.** If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rates of dividend and the dividends on the preference capital of the Company (if any) the excess or such portion of it as

is not carried to the insurance fund shall be carried to the credit of the divisible profits of the undertaking for the next following year.

Power to create a reserve fund out of dividends in excess of the standard rate of dividend and application thereof.

**13.** Where in any year the amount of the standard rates of dividend of the Company on the ordinary share capital or stock of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased then out of the amount of the divisible profits of the Company applicable to the payment of such increase the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company and any reserve or other fund of the Company existing at the passing of this Act may be invested in Government or other securities and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rates of dividend on the share capital or stock of the Company and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

Conversion of borrowed money into capital.

**14.** Notwithstanding anything contained in the fifty-sixth section of the Companies Clauses Consolidation Act 1845 the Company shall not raise any moneys by the Act of 1855 authorised to be borrowed on mortgage or any part of such moneys by the creation of shares or stock instead of borrowing or convert into capital any money borrowed under the provisions of the said Act.

Appointment of referees.

**15.** The Board of Trade shall as soon as may be after the passing of this Act appoint in relation to the Company three competent and impartial persons one at least of them having practical knowledge and experience in the manufacture and supply of gas who shall be called the gas referees (and who are in this Act referred to as the referees) and in case of a vacancy happening among them by death resignation or otherwise shall appoint a competent and impartial person to fill the vacancy one at least of the three being always qualified as aforesaid.

Continuance of referees.

**16.** Every person appointed to be one of the referees shall continue in office for one year only from the date of his appointment but shall be capable of reappointment.

Quorum &c. of referees.

**17.** Two of the referees shall be a quorum and at least two of the referees shall concur in every act or determination of the referees.

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Certificates of referees.

**18.** A copy of each certificate of the referees required by this Act shall be sent by them to the Metropolitan Board of Works and to the Company.

Provision of testing places and apparatus.

**19.** The referees shall from time to time prescribe and certify the situation and number of the testing places and the apparatus and materials therein for testing the illuminating power purity and pressure of the gas to be provided by the Company and the Company shall provide and maintain such testing places apparatus and materials accordingly.

Control &c. of testing places.

**20.** The prescribed testing places materials and apparatus provided by the Company shall be under the control and management of the Metropolitan Board of Works.

Mode and times of testing illuminating power and pressure.

**21.** The referees shall subject to the provisions of this Act from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power and pressure of gas supplied by the Company and the number of the times of testing.

Examination of gas-works by referees.

**22.** The referees shall with all practicable speed after their appointment and the referees for the time being may from time to time thereafter inspect the works of the Company and investigate the processes of manufacture carried on therein with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance and may from time to time apply all such tests as they think expedient at the works of the Company or elsewhere for ascertaining the amount of sulphur and ammonia and of compounds thereof or other impurity with which gas supplied by them is charged.

Access to works.

**23.** The Company shall give to the referees and each of them and each of their clerks servants and workmen access to their works and shall when required afford to them and each of them all facilities for the proper execution of their and his duty.

Purity of gas to be prescribed.

**24.** The referees shall from time to time ascertain with what degree of purity the Company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Company shall be allowed to be charged and the time from which the allowance thereof shall be enforced as against the Company regard being had to the necessity for any alteration of works by the Company consequent on any such certificate.

Mode and times of testing purity of gas.

**25.** The referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas

supplied by the Company and the number of the times of testing such purity.

Mode of measuring gas for public lamps.

**26.** The gas supplied by the Company for public lighting shall if required by the Woolwich Local Board the Plumstead District Board of Works the Metropolitan Board of Works or the Company be supplied by measurement and the referees shall if required by either party from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Freedom of gas from sulphuretted hydrogen.

**27.** Gas supplied by the Company shall after the expiration of two years from the passing of this Act be wholly free from sulphuretted hydrogen and nothing in this Act shall authorise the referees to allow of gas being charged with any amount of impurity in that form after the expiration of that period.

Appointment of gas examiner.

**28.** The Metropolitan Board of Works shall as soon as may be after the passing of this Act appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places of the Company within their jurisdiction.

Appointment of chief gas examiner.

**29.** There shall be a chief gas examiner for the purposes of this Act being a competent and impartial person from time to time appointed by and removable by the Board of Trade.

Daily testing.

**30.** A gas examiner shall at each of the prescribed testing places make daily such number of tests as the referees may prescribe for ascertaining whether during the whole of each day the illuminating power purity and pressure of the gas supplied by the Company are such as are respectively prescribed under this Act and in the event of the same being ascertained to be defective in any particular he shall forthwith give notice thereof to the Company.

What shall be deemed illuminating power for each day.

**31.** The average of all the testings of illuminating power prescribed under this Act on each day shall be deemed to represent the illuminating power on that day.

Pressure.

**32.** The average of all the testings of pressure prescribed under this Act from midnight to sunset and the average of all the testings of pressure from sunset to midnight shall be deemed to represent the pressures during each of these periods.

Average of testings of purity.

**33.** The average of all the testings of purity prescribed under this Act on each day shall be deemed to represent the purity on that day Provided always that if on any one day the gas supplied by the Company is of less purity than it ought to be under this Act the average of all the testings under this Act made on that day and on the preceding and on the following day shall be deemed to represent the purity on such day.

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Representation of Company.

**34.** The Company may if they think fit on each occasion of the testing by a gas examiner of the gas supplied by them be represented by some officer but such officer shall not interfere in the testing.

Daily reports and access to books.

**35.** 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 Metropolitan Board of Works 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 testings of such gas by him shall be open at all reasonable times to the inspection of the Company without payment.

Appeal to chief gas examiner.

**36.** 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 report every such decision to the Metropolitan Board of Works.

Where no appeal the report of examiner final.

**37.** 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.

**38.** Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the Metropolitan Board of Works and to the Company on the results of the daily testings made in that quarter in connection with each station of the Company and shall state therein with respect to gas supplied by the Company from each station in that quarter :—

(1) The illuminating power on each day ;

(2) The amount of impurity in each form on each day ;

(3) The pressure on each day.

Register of gas made.

**39.** The Company shall keep a register of all the gas delivered by them from each station on each day and shall afford access thereto at all reasonable times to the Metropolitan Board of Works and their agents and if the Company at any time fail to comply with this section they shall for every such offence forfeit a sum not exceeding fifty pounds.

Forfeiture for defect of power.

**40.** If on any day the gas supplied by the Company from any station is of less illuminating power than it ought to be under this Act the Company shall be liable to the following forfeitures for the first half of a candle of defective power forty shillings for the first and every subsequent candle of defective power a sum equal to the value of the defective power estimated at the rate of twenty shillings for every half candle of defective power on every one hundred

thousand cubic feet or any fractional part less than one hundred thousand cubic feet of gas delivered from that station on the day of default.

Forfeiture for excess of impurity.

**41.** If on an average of three days the gas supplied by the Company from any station is of less purity than it ought to be under this Act the Company shall forfeit a sum of fifty pounds for each station in respect of which they are so in default.

Forfeiture for insufficiency of pressure.

**42.** If on any day whether during the period from midnight to sunset or during the period from sunset to midnight the gas supplied by the Company from any station is supplied at a pressure less than it ought to be under this Act the Company shall forfeit a sum not exceeding ten pounds for each station in respect of which they are so in default.

Saving for unavoidable accident.

**43.** 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.

Evidence of liability to forfeiture.

**44.** The report of the chief 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 power excessive impurity or insufficient pressure 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 two justices or a magistrate at any time within one month after the date of the report such justices or magistrate shall issue their or his warrant of distress accordingly.

Forfeiture and losses from fraud &c.

**45.** Every such forfeiture or any loss arising from fraud of the servants of the Company which the auditor (appointed as in this 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.

Auditor of accounts.

**46.** There shall be an auditor of the accounts of the Company being a competent and impartial person from time to time appointed by and removable by the Board of Trade which auditor is in this Act referred to as the auditor.

Ascertainment of capital of Company.

**47.** The auditor shall with all practicable speed after the commencement of this Act investigate the accounts of the Company and ascertain and certify the amount of its capital distinguishing share from loan capital and shall from time to time as new capital shall be expended in like manner ascertain and certify such new capital.

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Form of accounts.

**48.** The auditor shall from time to time prescribe the form of accounts to be kept by the Company.

Periodical audit.

**49.** The auditor shall during every half year as and when he thinks fit inspect the accounts of the Company and audit the same and if he finds the same correct he shall certify the same but if he finds the accounts incorrect in principle or in detail he shall require the Company to correct the same in such manner as he thinks right and he may if he thinks fit grant a conditional certificate so as to authorise the payment of a dividend subject to correction if need be and except in the case of a conditional certificate a dividend shall not in any case be declared until the accounts are certified by the auditor The accounts as and when certified shall be forthwith laid before both Houses of Parliament if Parliament be then sitting and if Parliament be not then sitting within seven days after the commencement of the then next session of Parliament.

Facilities for auditor &c.

**50.** The Company shall give the auditor his clerks and assistants access to the books and documents of the Company and shall when required furnish to him or them all vouchers and information requisite for the purposes of the audit and shall afford to him and them all facilities for the proper execution of his and their duty.

Arbitration between parties.

**51.** If the Metropolitan Board of Works or the Company think themselves aggrieved by any act determination or omission of the auditor the matter in difference shall be referred to the determination of an arbitrator to be agreed on between them and the auditor or in default of agreement to be appointed on the application of any of the parties by the Lord Chief Justice of England and the reference shall be subject and according to the provisions of the Common Law Procedure Act 1854 and the costs of the arbitration shall be at the discretion of the arbitrator whose decision shall with respect to all such matters be final and conclusive and subject to this provision the directions and determinations of the auditor shall be final and conclusive.

Penalties not to be cumulative.

**52.** Penalties imposed on the Company for one and the same offence by this Act and by any other Act of Parliament relating to the Company are not cumulative.

Governors for street lamps.

**53.** The Company in supplying gas to public lamps or the Woolwich Local Board the Plumstead District Board of Works or the Metropolitan Board of Works may at their own expense cause to be affixed to each lamp a street lamp governor and the said authorities or either of them or the Company (as the case requires) shall be entitled to have access thereto for the purpose of examining the same and in case any dispute arises between the Company and the

said authorities with reference to the affixing operation or inspection of governors the same shall be referred to the determination of the chief gas examiner whose decision shall be final and conclusive.

Limit of charge for gas supplied to public lamps.

**54.** The Company shall not charge a higher price per one thousand cubic feet for gas supplied to the public lamps than the lowest price per one thousand cubic feet charged by them at the same time to any private customer but if the Company contend that there are special circumstances justifying them in charging a lower price to any other customer the question shall be determined by arbitration whether or not such lower price shall be taken as the standard for the price to be charged for the public lamps and the price fixed by such arbitration shall continue for two years at least.

Arbitration under this section shall be conducted in the manner prescribed by the Lands Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Company to make a map of mains and appliances beneath the public ways.

**55.** The Company shall within six months of the passing of this Act make a map of the district within which their mains or pipes may be laid to a scale of not less than three feet to a mile and shall show thereupon the lines and sizes of all their existing mains or pipes excepting the service pipes and shall once in every year on or before the thirty-first day of December correct such map and make such alterations therein or additions thereto as may be necessary to show correctly as near as may be the lines positions and sizes of the various pipes and shall keep such map in the principal office of the Company and the same shall be open to the inspection of the Metropolitan Board of Works and their officers and to the public generally who may inspect or take copies of or extracts of the same and the Company may charge and take the sum of one shilling for each inspection of such map and the further sum of two shillings and sixpence for each extract tracing or copy taken of such map.

Penalty on Company for default

**56.** If the Company wilfully fail to comply with any requirements of this Act in respect of such map they shall for every such offence forfeit and pay any sum which two justices of the peace or a stipendiary magistrate may adjudge not exceeding the sum of fifty pounds.

Remuneration and expenses of gas referees &c.

**57.** The remuneration of the referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the Company on demand to such fund or account and in such manner as the Board of Trade may from time to time direct and shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Remuneration and expenses of gas examiners.

**58.** The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the Metropolitan Board of Works.

Provision as to General Acts.

**59.** Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act already or hereafter passed in the present or any future session of Parliament for regulating gas companies in the Metropolis or for regulating the supply or sale of gas in the Metropolis and applicable to the Company or from any future revision and alteration by Parliament of the prices and charges by this Act authorised.

Ordinary meeting of the Company.

**60.** Section thirty-four (first and other meetings) of the Act of 1855 is hereby repealed and from and after the passing of this Act the ordinary meeting of the Company shall be held in the month of February in every year.

Expenses of Act.

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

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## The SCHEDULE referred to in the foregoing Act.

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The lands now held by the Company and on which their gasworks for making gas are situate and lands immediately adjoining thereto on which they are authorised by the Act of 1855 to manufacture gas Such several lands not to exceed three statute acres.

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