



CHAPTER lxxxii.

An Act to extend the limits of supply of the Gas Light and Coke Company to empower that company to execute certain works and to acquire certain lands to confer various powers upon that company and for other purposes.

A.D. 1932.

[12th July 1932.]

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 were incorporated in perpetuity by the Act 59 George III cap. xx (Local) :

And whereas by the Gas Light and Coke Company's Act 1868 all the prior Acts of the Company were repealed and the Company were continued and the provisions of all such prior Acts were consolidated and amended :

And whereas the existing limits of supply of the Company comprise a large part of the county of London and parts of the counties of Middlesex Essex Surrey Hertford Buckingham and Berks :

And whereas the urban district of Canvey Island in the said county of Essex adjoins the said existing limits of supply and it is expedient that the said limits should be extended so as to include that urban district :

And whereas it is expedient that the Company should be empowered to manufacture and store gas and to manufacture work up convert and deal with residual

A.D. 1932. — products of the manufacture of gas upon the lands in the said urban district which are described in that behalf in this Act :

And whereas it is expedient that the Company should be empowered to construct in the said urban district the works described in this Act and to acquire lands or easements for the purposes of the said works :

And whereas it is expedient that the Company should be empowered to acquire the lands in the urban district of Brentford and Chiswick in the county of Middlesex described in this Act :

And whereas it is expedient that the other powers and provisions contained in this Act should be granted and made :

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

And whereas plans and sections showing the lines or situations and levels of the works by this Act authorised such plans showing also the lands which may be acquired or used compulsorily under the powers of this Act for the purposes of the said works and plans of the lands which may be acquired compulsorily for other purposes with a book of reference to such plans containing the names of the owners or reputed owners and of the lessees or reputed lessees and of the occupiers of and describing such lands have been deposited with the clerks of the county councils of the administrative counties of Essex and Middlesex and are in this Act respectively referred to as the deposited plans sections and book of reference :

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 :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Gas Light and Coke Company's Act 1932.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Extension of limits of supply.

Part III.—Works.

Part IV.—Lands.

Part V.—Miscellaneous.

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Act divided
into Parts.

3. The following enactments so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act or of any other Act or any Order relating to the Company are hereby incorporated with this Act (namely):—

Incorpora-
tion of Acts.

The Companies Clauses Consolidation Act 1845 (except the provisions relating to the conversion of the borrowed money into capital);

The Gasworks Clauses Act 1847;

The Gasworks Clauses Act 1871;

The Lands Clauses Acts except sections 127 to 132 (relating to the sale of superfluous land) of the Lands Clauses Consolidation Act 1845;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by this Act and "the centre of the railway" shall mean the centre line of those works;

Sections 28 99 and 100 of the Harbours Docks and Piers Clauses Act 1847 :

Provided that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices or by a surveyor appointed or nominated by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the President of the Chartered Surveyors' Institution on the application of either party after notice in writing to the other of them :

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— Provided also that the said incorporated provisions of the Harbours Docks and Piers Clauses Act 1847 shall apply to the works authorised by this Act as if those works were a harbour by this Act authorised to be constructed.

Interpreta-
tion.

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

“The Company” means the Gas Light and Coke Company;

“The directors” means the directors of the Company;

“The existing limits of supply” means the limits within which the Company were immediately before the passing of this Act authorised to supply gas;

“The added limits” means the area added to the existing limits of supply by and described in the section of this Act of which the marginal note is “Extension of limits of supply”;

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

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

“The Act of 1917” means the Gas Light and Coke Company's Act 1917;

“The Act of 1931” means the Gas Light and Coke Company's Act 1931;

“Shore” where used in relation to the river Thames means the shores of that river so far as the tide flows and reflows between high and low water marks at ordinary tides;

“The Port Authority” means the Port of London Authority;

“The Act of 1792” means the Act 32 George III cap. 31;

“The Act of 1883” means the Canvey Island (Sea Defences) Act 1883;

“The commissioners” means the Canvey Island Commissioners incorporated by the Act of 1883; A.D. 1932. —

“The existing river wall” means so much as is comprised within the limits of deviation shown on the deposited plans with reference to the works by this Act authorised of—

(a) the existing river or sea wall or bank on the southern side of Canvey Island constructed by the body of commissioners constituted by the Act of 1792; and

(b) the roadway or cart track and the ditch or channel adjoining the northerly or north-westerly side of the said existing river or sea wall or bank;

“The old river wall” means so much as is comprised within the said limits of deviation of the wall or embankment (at the date of the passing of this Act partly destroyed) constructed before the passing of the Act of 1792 for the protection of the island of Canvey from inundation by the sea and in part situate southward of the existing river wall.

PART II.

EXTENSION OF LIMITS OF SUPPLY.

5. Subject to the provisions of this Act the limits within which the Company may supply gas shall extend to and include in addition to the existing limits of supply the urban district of Canvey Island in the county of Essex as that urban district is constituted at the date of the passing of this Act and the Company within the added limits shall have and may exercise all and the like powers rights privileges and authorities and shall be subject to all and the like duties and obligations as they now have and are subject to within the existing limits of supply: Extension of limits of supply.

Provided that nothing in this section shall be construed as extending or enlarging the scope of any of the provisions of any existing Act or Order confirmed by or having the force of an Act of Parliament relating to or affecting the Company or the undertaking which

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Coke Company's Act, 1932.

A.D. 1932. only applies to or affects a specified portion of the undertaking or area of supply of the Company or is otherwise specifically of limited application.

Power to lay pipes &c. under rivers &c.

6. Subject to the provisions of this Act the Company may for the purpose of conveying gas to or from the added limits from or to the existing limits of supply or from any part of the added limits to any other part thereof from time to time place lay construct maintain repair and renew or remove mains pipes works and apparatus in under along or across any river creek culvert drain or watercourse situate either in the added limits or partly in those limits and partly in so much of the existing limits of supply as is adjacent to the added limits and may for any such purpose enter upon and open or break up the bed and banks of any such river creek culvert drain or watercourse and execute and do all such works and things as may be necessary or convenient for any of the purposes of this section.

Price of gas in added limits.

7. The Company may from time to time charge for gas supplied by them to the owners or occupiers for the time being of premises in the added limits a price exceeding by not more than seven decimal four pence the price per therm for the time being charged by the Company for gas supplied in the central area as defined by Part III (Price of gas and application of profits) of the Act of 1931 and if and so long as the price per therm charged by the Company for gas supplied in the added limits exceeds the price per therm for the time being charged by the Company for gas supplied in the said central area the area comprised in the added limits shall be deemed to be a differential price area within the meaning and for the purposes of the said Part III :

Provided that—

- (a) at any time after the Company shall have commenced to supply gas to consumers in the added limits the Essex County Council or the Canvey Island Urban District Council may in writing represent to the Board of Trade that having regard to the cost to the Company of supplying gas to such consumers the differential price chargeable pursuant to this section should be varied in amount or cease to be chargeable ;

- (b) contemporaneously with the submission of any such representation to the Board of Trade the party making the same shall send a copy thereof to the Company and to the other of the said councils; A.D. 1932. —
- (c) the Board of Trade shall consider any such representation which may be made to them by either of the said councils and any other representations with reference thereto which may be submitted to them by the other of the said councils or by the Company and the said Board if satisfied that having regard to such cost as aforesaid it is proper so to do and after holding such inquiry (if any) as they may think fit may make an order to take effect as from such date or respective dates as may be prescribed in the order varying the amount of the said differential price or providing for the discontinuance thereof within such period and in such manner as may be prescribed by the order;
- (d) any order made by the Board of Trade under this proviso shall have effect as if enacted in this Act subject to the power of the Board of Trade from time to time on a like application as aforesaid to make an order amending any previous order made by them under this proviso but no application for an amending order shall be made until after the expiration of five years from the date of any representation made under paragraph (a) of this proviso or from the date of any previous application for an amending order under this paragraph;
- (e) the Company shall have the like rights with respect to making an application for an amending order as are conferred by this proviso upon the said councils and the foregoing paragraphs of this proviso shall *mutatis mutandis* apply and have effect accordingly;
- (f) no such amending order made on the application of the Company shall authorise the Company to charge a differential price in excess of seven decimal four pence per therm.

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Additional lands for manufacture &c. of gas and residual products.

8. The Company may upon and with reference to the lands described in the First Schedule to this Act exercise all such powers as are exercisable by them under the provisions of the Gas Light and Coke Company's Act 1868 or of the Gas Light and Coke Company's Act 1876 upon or with reference to the lands described in the schedule to the first mentioned Act and in Schedule A to the secondly mentioned Act or any of those lands :

Provided that the powers of this section shall not be exercised with respect to any part of the said first-mentioned lands of which the Company are not for the time being the owners and occupiers.

For protection of Southend Waterworks Company.

9.—(1) Whenever the Company require to execute any work within the added limits over under or within three feet of any main pipe or apparatus belonging to the Southend Waterworks Company (in this section referred to as "the water company") or whenever the water company in the exercise of their statutory powers require to execute any work in the added limits over under or within three feet of any main pipe or apparatus of the Company the Company or the water company requiring to execute the work (in this section referred to as "the operators") shall unless otherwise agreed between the parties interested give to the water company or to the Company owning the main pipe or apparatus (in this section referred to as "the owners") not less than twenty-four hours' notice before commencing to execute any such work as aforesaid except in emergency and then so soon as is possible after the beginning of the work or the necessity for the work shall have arisen and the owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the owners repair any damage that may be done thereto.

(2) Where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support the same in position during the execution of their works and before completion provide

a suitable and proper foundation for the same where so undermined. A.D. 1932.

(3) If the operators shall make default in complying with any of the requirements of this section they shall make compensation to the owners for any loss damage penalty or costs which the owners may incur by reason thereof.

(4) If any difference shall arise under the provisions of this section between the Company and the water company the difference shall be referred to an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of the Company or the water company and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

10. For the protection of the county council of the administrative county of Essex (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the Company and the county council apply and have effect within the added limits (that is to say) :— For protec-
tion of
Essex
County
Council.

(1) In the case of all mains to be laid down by the Company in the added limits under the powers of this Act the Company shall not permit any trench made by them in any county road for the time being vested in and repairable by the county council to be open for a greater consecutive distance than four hundred yards if in such length of four hundred yards there is not room throughout for two carts to pass one another and the Company shall if and when reasonably required by the county council or their surveyor provide or pay the reasonable cost of providing two persons to manage and regulate the passing traffic while any trench referred to in this subsection shall remain open for a consecutive distance of four hundred yards or more :

(2) All mains of the Company where the same are carried in along or over any county road for the time being vested in and repairable by the county council or any roadway over any bridge so vested and repairable shall be laid in such

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a position so far as reasonably practicable in or at the side of such roadway and at such depth as the county council in writing under the hand of their surveyor may within fourteen days after the receipt of the notice provided for by section 8 of the Gasworks Clauses Act 1847 reasonably direct and in the case of any main which it is reasonably necessary to lay otherwise than in the roadway over the bridge the same shall be carried on or attached to the structure of such bridge in such manner as the county council may in like manner direct :

- (3) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall (subject to the provisions of this section) in their application to the laying of any main pipe in any such county road or bridge as aforesaid and the roadway over and approaches to any such bridge be read and construed as if the notice required by section 8 of that Act was (except in cases of emergency) in the case of any such bridge or approach not less than fourteen days instead of three days and in the case of any such county road not less than seven days instead of three days :
- (4) In the case of any main pipe to be carried over any such bridge as aforesaid or the approaches thereto the plan required by the ninth section of the Gasworks Clauses Act 1847 shall be accompanied by a section of the proposed works and shall be delivered to the county council or their surveyor by the Company not less than fourteen days before the commencement of the works to which it relates :
- (5) The Company shall not interfere with the structural part of any such bridge as aforesaid without the consent in writing of the county council which may be given upon such reasonable conditions as the county council or their surveyor may determine but shall not be unreasonably delayed or withheld :

(6) The exercise of any of the powers of the Company within the added limits shall not interfere with prejudice or affect the right of the county council at any time to alter the level of or deviate or improve in any manner they think fit any such county road as aforesaid in or along which any mains or pipes of the Company shall have been laid and the Company shall on receiving notice in writing under the hand of the clerk or surveyor of the county council so to do alter with all reasonable dispatch the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or in such manner as in case of difference shall be determined by arbitration as hereinafter prescribed and the county council shall repay to the Company the expenses reasonably incurred by the Company in effecting any such alteration :

(7) The exercise of any of the powers of the Company under this Act within the added limits shall not prejudice or affect the right of the county council at any time to remove alter rebuild widen or repair any such bridge as aforesaid or the approaches to or roadway over any such bridge in over or attached to which any mains pipes or works of the Company are carried in the same manner as the county council might have removed altered rebuilt widened or repaired such bridge roadway or approaches if this Act had not been passed and such mains pipes or works had not been so laid or attached and the county council shall not be required to pay to the Company any expense to which the Company may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation but the county council shall take all reasonable precautions to prevent injury to the works of the Company and shall pay compensation for any loss which the Company may sustain by reason of any such injury In the event of any such bridge roadway or approaches being removed altered rebuilt widened or repaired as aforesaid the Company

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shall at their own cost in all things so far as may be reasonably necessary for the purposes of or in connection with such removal alteration rebuilding widening or reparation alter the position of any such mains or pipes carried in over or attached to such bridge or approaches as aforesaid in such manner as the county council or their surveyor may reasonably direct Provided that during any such removal alteration rebuilding widening or reparation the county council shall afford to the Company all reasonable facilities for temporarily carrying such mains pipes and works across any stream or river so as not to interrupt the continuous supply of gas or to diminish the pressure of such supply through such mains or pipes and the Company may carry such mains pipes and works accordingly and shall reimburse the county council all reasonable expenses incurred by the county council in affording such facilities :

- (8) If the Company shall after reasonable notice from the county council under the hand of their surveyor neglect to do or complete any work or act required by subsection (6) or subsection (7) of this section to be done by the Company then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Company completing the same with all reasonable expedition and in a proper and workmanlike manner and causing as little damage or inconvenience to the Company as circumstances admit The Company shall repay to the county council all proper costs charges and expenses occasioned by such neglect as aforesaid and also (in the case of any work or act required by the said subsection (7)) the cost reasonably incurred by the county council in or in connection with the doing of such work or act :
- (9) The Company shall pay to the county council the reasonable expenses incurred by them in relation to the reasonable superintendence by

the county council or their surveyor of any works of the Company to which the provisions of this section relate : A.D. 1932.
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- (10) The county council shall not execute any works under this section or enforce any of the provisions of this section so that the supply of gas by the Company shall be interrupted and if the county council so interrupt the supply of gas they shall repay to the Company any loss damage or expenses to which the Company may thereby be put or become subject :
- (11) If any difference shall at any time arise between the county council and the Company under this section or with respect to anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration as aforesaid.

PART III.

WORKS.

11. Subject to the provisions of this Act the Company may in the urban district of Canvey Island in the county of Essex make and maintain in the lines and situations and within the limits of deviation shown on the deposited plans relating thereto and according to the levels shown on the deposited sections the works hereinafter described together with all necessary works apparatus machinery appliances and conveniences connected therewith (that is to say) :— Power to construct works.

Work No. 1 A wharf or landing stage in the river Thames ;

Work No. 2 A jetty connecting the said wharf or landing stage (Work No. 1) with the lands of the Company ;

Work No. 3 A wharf or landing stage in the river Thames ;

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Work No. 4 A jetty connecting the said wharf or landing stage (Work No. 3) with the lands of the Company.

Provisions relating to works.

12.—(1) The Company may make and maintain the wharves or landing stages by this Act authorised or either of them and the jetties connected therewith respectively either as floating wharves or landing stages and jetties or as fixed wharves or landing stages and jetties or partly by one of those methods of construction and partly by the other according as they may determine.

(2) Notwithstanding anything shown on the deposited plans the Company may make the wharves or landing stages and jetties by this Act authorised of such widths as they may determine and may from time to time increase or reduce the widths of such wharves or landing stages and jetties respectively. Provided that nothing in this subsection shall authorise the Company to construct any part of the said works outside the limits of deviation shown on the deposited plans.

(3) Notwithstanding anything shown on the deposited plans the works by this Act authorised or any part thereof shall not be constructed—

(a) so as to extend into the river Thames for a greater distance than four hundred and fifty feet measured in a straight line from the centre of the top surface of the river or sea wall or bank forming part of the river wall; or

(b) at a less height over any portion of the said river or sea wall or bank than twenty-eight feet above Ordnance datum; or

(c) so as to obstruct or interfere with any right of access which the Port Authority or those claiming under them may possess over and along any part of the roadway or cart track forming part of the river wall.

Power to deviate in construction of works.

13. Subject to the provisions of this Act the Company in constructing the works authorised by this Act may deviate laterally from the lines or situations of those works as shown on the deposited plans to any extent not exceeding the limits of deviation for those works shown on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards.

14. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans relating to the works described in the section of this Act of which the marginal note is "Power to construct works" the Company may from time to time in connection with the said works and for the purposes thereof construct erect make maintain repair and renew all necessary and convenient lines of rail sidings junctions turntables stations signals bridges approaches roads gates warehouses sheds buildings yards quays wharves walls embankments electric lighting telegraphic and telephonic works wells pumps reservoirs tanks mains conduits wires cables sewers drains culverts cuts pipes channels sluices shipping places landing places piles piers staithes stairs gantries coal and other tips machinery conveyors cranes hydraulic electric and other lifts hoists drops dolphins fenders booms cofferdams moorings buoys beacons and other works buildings machinery apparatus and appliances Provided that nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

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Subsidiary works.

15. Subject to the provisions of this Act the Company may in connection with and at or near any works to be executed or constructed under the powers of this Act construct place and maintain in the river Thames and the banks bed and shore thereof or in or upon any lands for the time being belonging to the Company all such temporary piles fenders booms dolphins pontoons caissons stagings cofferdams embankments piers abutments wharves walls fences drains stairs buildings and other works conveniences apparatus and appliances as they may deem necessary or expedient.

Temporary works.

16.—(1) The Company shall during the progress of any works executed under the powers of this Act (whether temporary or permanent) in the river Thames or on over or under the bed shores or banks thereof and during the subsequent repairs of any such works hang out and exhibit on or near to the said works and on the said works when completed every night from sunset to sunrise such lights (to be kept burning by and at the expense of the Company) and during every day such marks as shall be proper and sufficient for the navigation

Lights on works during construction &c.

A.D. 1932. — and safe guidance of vessels in the river Thames The said lights and marks shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Port Authority by writing under the hand of their secretary or other authorised officer shall approve or direct.

(2) If the Company fail so to exhibit and keep burning such lights and to exhibit such marks they shall for every such offence forfeit to the Port Authority a penalty not exceeding twenty pounds.

Abatement
of work
abandoned
or decayed.

17.—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially in the river Thames or on over or under the bed shore or banks thereof below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade or the Port Authority may by notice in writing require the Company at their own expense either to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or (if such work is no longer required by the Company) to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade or the Port Authority may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the shore of the river Thames the Board of Trade or the Port Authority may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade or the Port Authority may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown or the Port Authority and shall be recoverable as a Crown debt or as a civil debt or summarily.

(4) Provided that if there shall be any inconsistency between the decisions of the Board of Trade and the Port Authority in regard to the making of any requirement or the execution of any work under this section the decision of the Board of Trade shall prevail. A.D. 1932. —

18.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on or under any tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Port Authority and shall apply to the Port Authority for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

19. Any telegraphic and telephonic works and any electric or other apparatus and appliances constructed erected made or maintained under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. For protection of Postmaster-General.

PART IV.

LANDS.

20. Subject to the provisions of this Act the Company may enter upon take and use such of the lands described in the deposited book of reference and delineated on the deposited plans relating to the works authorised by this Act and described in the Power to acquire lands for works &c.

A.D. 1932. section of this Act of which the marginal note is "Power to construct works" as may be required for those works or for other purposes of this Act or of the undertaking.

Power to acquire additional lands.

21. Subject to the provisions of this Act the Company may for any of the purposes of the undertaking enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference and in the Second Schedule to this Act Provided that the Company shall not create or permit a nuisance on those lands and no lands shall be used by the Company for the purpose of manufacturing gas or residual products or of storing gas except the lands which at the date of the passing of this Act the Company are using or are authorised to use for any of those purposes and the lands described in the First Schedule to this Act.

Company may acquire easements only in certain cases.

22.—(1) The Company may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements or rights only in such lands as they may require for such purposes and may give notice to treat in respect of such easements or rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements or rights only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights have the same rights to use the said lands at all times as if this Act had not been passed.

Correction of errors in deposited plans and book of reference.

23. If there is any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it

appears to the justices that the omission or misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county in which the lands are situate and a duplicate thereof shall be deposited with the clerk of the county district in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with the certificate.

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24. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator or justices to whom the question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of December one thousand nine hundred and thirty-one if in the opinion of such arbitrator or justices the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

25. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

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Power to enter upon property for survey and valuation.

26. The Company and their surveyors officers and workmen and any person duly authorised by them in writing may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing to the occupiers thereof enter upon and into the lands by this Act authorised to be taken and used or any of them or any premises in respect of which a claim for compensation under this Act is received for the purpose of surveying and valuing the said lands and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands or premises.

Limit of time for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands under the provisions of this Act shall cease on the first day of October one thousand nine hundred and thirty-five.

Provisions as to river walls.

28. Nothing contained in this Act or done thereunder shall—

- (a) affect or interfere with the exercise by any persons entitled thereto of any public or private right of way over or along the existing river wall or any part thereof; or
- (b) impose on the Company any obligation to bear or contribute towards the expenses of maintaining repairing or renewing the existing river wall or the old river wall to which they would not have been subject if this Act had not been passed.

PART V.

MISCELLANEOUS.

Repeal of section 4 of Act of 1917 and section 70 of Act of 1931.

29. Section 4 (Annual ordinary meetings and half-yearly dividends) of the Act of 1917 and section 70 (Meetings of Gas Light Company) of the Act of 1931 are hereby repealed.

Meetings and closing of register of transfers.

30. (1) Notwithstanding the repeal of enactments effected by the last preceding section of this Act the ordinary meetings of the Company shall continue to be held annually instead of half-yearly and shall be held in

such month in each year and on such date in that month as the directors may from time to time determine. Provided that the date determined by the directors for any annual ordinary meeting of the Company shall not be later than fifteen months after the holding of the last preceding ordinary meeting of the Company. A.D. 1932.

(2) It shall be lawful for the Company to close the register of transfers for a period not exceeding one month immediately preceding the day appointed for holding each annual ordinary meeting and also for a period not exceeding one month commencing on any day in the first week of July in any year and the dividends of the Company shall be made out and payable to the several persons who shall stand as holders of stock in the books of the Company immediately before the closing of the register.

(3) Every general meeting of the Company shall be held in the county of London.

31.—(1) The directors may on or after the thirtieth day of June in any year without the sanction or direction of a general meeting declare and pay dividends in respect of the half-year ending on that day on all or any of the several classes of stock of the Company out of the funds of the Company applicable to dividend but— Half-yearly dividends.

(a) the amount applied in the payment of any such dividend on the ordinary stock of the Company shall not exceed the amount applicable to that purpose in accordance with Part III (Price of gas and application of profits) of the Act of 1931; and

(b) the actual rate per centum of any such dividend on the stocks of the Company next hereinafter referred to shall not exceed—

(i) in the case of the three and a half per centum maximum stock the rate of half-yearly dividend payable in accordance with section 71 (As to three and a half per centum maximum stock) of the Act of 1931; and

(ii) in the case of any preference stock one-half of the preferential annual rate of dividend assigned to such stock.

A.D. 1932.

(2) Where in any year the directors exercise the powers conferred by subsection (1) of this section—

- (a) any dividends declared at the next following annual ordinary meeting of the Company shall as respects the stocks in relation to which the said powers were exercised be deemed to be half-yearly dividends in respect of the half-year ending next before the date of such meeting;
- (b) if the said powers were exercised in relation to the ordinary stock of the Company subsection (1) of section 46 (Division of profits) of the Act of 1931 shall in relation to that year be read and have effect as if all references to a year had been omitted therefrom; and
- (c) the proviso to subsection (3) of the said section 71 of the Act of 1931 shall be read and have effect as if there were substituted for the reference therein to section 4 of the Act of 1917 a reference to subsection (1) of this section.

Interim dividends.

32.—(1) In lieu of exercising with reference to all or any of the several classes of stock of the Company the powers conferred by subsection (1) of the section of this Act of which the marginal note is "Half-yearly dividends" the directors may if they think fit on or after the thirtieth day of June in any year without the sanction or direction of a general meeting pay interim dividends on all or any of such classes of stock out of the funds of the Company applicable to dividend on account of the dividends for that year to be declared at the next following annual ordinary meeting of the Company but the actual rate per centum of any such interim dividends shall not exceed—

- (a) in the case of the ordinary stock of the Company one half of the basic rate of dividend (as defined by the Act of 1931) payable in respect of a complete year; and
- (b) in the case of the three and a half per centum maximum stock of the Company the rate of half-yearly dividend payable in accordance with section 71 (As to three and a half per centum maximum stock) of the Act of 1931; and

(c) in the case of any preference stock of the Company one-half of the preferential annual rate of dividend assigned to that stock. A.D. 1932.

(2) Where in any year the directors exercise the powers conferred by subsection (1) of this section—

(a) section 116 of the Companies Clauses Consolidation Act 1845 in its application to the Company shall in relation to the next following annual ordinary meeting of the Company be read as if the words “preceding year” were substituted therein for the words “preceding half-year”;

(b) if the said powers were exercised in relation to the ordinary stock of the Company subsection (1) of section 46 (Division of profits) of the Act of 1931 shall in relation to that year be read and have effect as if all references to a half-year had been omitted therefrom and section 50 (Redemption fund) of the Act of 1931 shall in relation to that year be read and have effect as if—

(i) the words “any year ending on the thirty-first day of December” were substituted in subsection (1) of that section for the words “any half-year ending on the thirtieth day of June one thousand nine hundred and thirty-two or on any subsequent thirty-first day of December or thirtieth day of June”;

(ii) the words “or the directors” were omitted from the said subsection (1); and

(iii) each of the sums mentioned in the third column of the table set out in subsection (2) of that section were doubled in amount.

33.—(1) The Fourth Schedule to the Gas Light and Coke Company's Act 1909 shall be read and have effect as if there were substituted for the definition of “stock” in paragraph 1 thereof the following definition (that is to say):—

Amendment of enactments as to nominations by co-partner employees.

“stock” means any ordinary stock or preference stock or maximum stock or debenture stock or debentures for the time being of the Company.

A.D. 1932.

(2) The said substituted definition shall apply to the word "stock" where used in section 48 (Persons in employ of Gas Light Company may nominate others to transfer stock &c. held by such persons) of the said Act and in sections 8 (Further provisions as to nominations by employees under section 48 of Act of 1909 and transfers of stock by nominees) and 9 (As to registration of stock in names of employees in certain cases) of the Act of 1917 and section 43 (Further provisions as to nominations by co-partners) of the Gas Light and Coke Company's Order 1922.

For protec-
tion of
commis-
sioners.

34. For the protection of the commissioners the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections and unless otherwise agreed in writing between the Company and the commissioners apply and have effect (that is to say) :—

- (1) The Company shall not under the powers of this Act acquire the structures or materials of the existing river wall or of the old river wall or any part or parts thereof respectively or do or permit anything which would prejudicially affect such structures or materials as defences against inundation by the sea but if for the purposes of or in connection with the construction maintenance repair renewal or removal of works authorised by the sections of this Act of which the marginal notes are respectively "Power to construct works" "Subsidiary works" and "Temporary works" (in this section referred to as "the authorised works") the Company deem it necessary or expedient to remove alter or interfere physically with any of such structures or materials the commissioners shall grant to the Company such easements or rights (if any) as the Company may require for those purposes subject to such conditions (if any) as the commissioners may reasonably require as to the construction of any new altered or substituted work which may be rendered necessary by reason or in consequence of such removal alteration or interference in order to preserve the existing river wall or the old river wall as defences against inundation by the sea

The Company shall pay to the commissioners such compensation (if any) for such easements or rights as aforesaid as failing agreement shall be settled in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement as incorporated with this Act and any easements or rights so to be acquired shall be deemed to be lands for the purposes of those Acts : A.D. 1932.

(2) The following provisions shall apply and have effect with respect to the construction and maintenance by the Company of such of the authorised works as shall be executed on over or under or so as physically to interfere with the existing river wall or the old river wall as existing respectively for the time being (namely) :—

(a) the Company shall not commence such works until they have given to the commissioners twenty-eight days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the commissioners with plans and sections of the intended works ;

(b) if within twenty-eight days from the receipt of any such notice plans and sections as aforesaid the commissioners shall in writing intimate to the Company any objection to the said plans or sections on the ground that the execution of the works in accordance therewith would impair the efficiency as defences against inundation by the sea of the existing river wall or the old river wall or make any requirement with reference to the said plans or sections directed to the preservation of such efficiency as aforesaid and if any such objection shall not be removed by agreement between the parties or if the Company are unable or unwilling to comply with any such requirement a difference shall be deemed to have arisen between the Company and the commissioners which shall be determined by arbitration as hereinafter provided and the works shall not be executed otherwise than in accordance with the award of the arbitrator ;

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A.D. 1932.

(c) every such work as aforesaid shall be executed by the Company under the superintendence (if given) of the surveyor engineer or other officer or officers of the commissioners as the case may be ;

(d) if any new altered or substituted work (not being part of the authorised works) shall be constructed by the Company (whether in consequence of a requirement of the commissioners or otherwise) for the protection of or for preventing injury to the existing river wall or the old river wall such new altered or substituted work shall be as fully and completely under the direction jurisdiction and control of the commissioners as the said river walls and other defences and works now are or hereafter may be :

- (3) The Company shall bear and on demand repay to the commissioners the amount of any expenses reasonably incurred by the commissioners in making good any damage caused to the existing river wall or the old river wall or to any drain stream or watercourse belonging to or under the jurisdiction of the commissioners by reason or in consequence of the execution of the authorised works and shall at all times keep the commissioners indemnified against all claims damages losses costs and expenses which they may sustain or incur or be liable for by reason or in consequence of such execution :
- (4) The provisions of subsections (2) and (3) of this section shall extend and apply mutatis mutandis to the exercise by the Company of the powers of the section of this Act of which the marginal note is " Power to lay pipes &c. under rivers &c." in so far as such exercise shall impair or be likely to impair the efficiency for land drainage purposes of any river creek culvert drain or watercourse vested in or under the jurisdiction of the commissioners :
- (5) The Company shall not exercise or put into force the powers and provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the

railway during the construction thereof upon or in relation to the existing river wall or the old river wall : A.D. 1932.
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- (6) Any difference which shall arise under this section (other than any question of disputed compensation in respect of the easements or rights referred to in subsection (1) of this section) shall be referred to and determined by a single arbitrator to be agreed upon between the parties in difference or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or of any statutory re-enactment or modification thereof for the time being in force shall apply to any such reference and determination :
- (7) Except for the purposes of or in connection with the construction maintenance repair renewal or removal of the authorised works nothing in this Act shall confer upon the Company any greater or other rights or powers with reference to the existing river wall or the old river wall than such as they would have possessed if this Act had not been passed :
- (8) The provisions of this section—
- (a) in so far as they relate to the protection of the existing river wall and the old river wall respectively shall extend *mutatis mutandis* to and enure for the benefit and protection of the Essex Rivers Catchment Board or other the body or person in whom may be vested for the time being the structures and materials of those walls or who may for the time being be entitled to exercise or perform the rights powers functions duties privileges and authorities of the commissioners under the Act of 1792 and the Act of 1883 or either of them with respect thereto ; and
- (b) in so far as they relate to the protection of the rights powers functions duties

A.D. 1932.

privileges and authorities of the commissioners with respect to land drainage either as a drainage authority or a drainage board under the Land Drainage Act 1930 or by virtue of the Act of 1792 and the Act of 1883 or either of them shall *mutatis mutandis* extend to and enure for the benefit and protection of the said catchment board or other the body or person in whom such last-mentioned rights powers functions duties privileges and authorities may for the time being be vested;

by whatsoever means such rights powers functions duties privileges and authorities respectively shall be transferred from the commissioners to such catchment board or other body or person as aforesaid.

For protection of Port Authority.

35. For the protection of the Port Authority the following provisions shall unless otherwise agreed in writing between the Company and the Port Authority have effect (that is to say):—

- (1) All works (which expression where used in this section includes mains pipes and apparatus whether permanent or temporary) to be constructed erected or placed laid maintained repaired or renewed under the powers of this Act in the river Thames or in under along or across any tidal creek tributary or watercourse communicating with the said river or on over or under the bed shores or banks thereof shall be constructed in accordance with plans and longitudinal and cross sections to be previously approved in writing by the Port Authority under the hand of their secretary before the works are commenced:

Provided that if the Port Authority shall not within two months of the delivery of any such plans and sections express their disapproval thereof they shall be deemed to have approved thereof:

- (2) In the construction and subsequent maintenance and repair of any works executed under the powers of this Act in the said river or on over or under the bed shores or banks

thereof the traffic of the said river shall not be interfered with except so far as may be absolutely necessary: A.D. 1932.
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- (3) All such works shall when commenced be proceeded with and completed as soon as practicable and the Company shall upon completion of such works remove any temporary works and materials for temporary works which may have been erected or placed in the river or on over or under the bed shores or banks thereof in connection therewith and all piles and other works (other than those forming part of the permanent works) in the bed and foreshores of the river shall be drawn from the river to the satisfaction of the Port Authority and not cut off. If the Company fail so to do after receipt of notice from the Port Authority the Port Authority may remove the same charging the Company with the expense of so doing and the Company shall repay to the Port Authority all expenses so incurred:
- (4) The provisions of the Railways Clauses Consolidation Act 1845 with reference to the temporary occupation of lands near the railway shall not apply to the bed or shore of the said river below high-water mark or to any property or lands of the Port Authority:
- (5) The Company shall not without the previous consent of the Port Authority embank encroach upon or interfere with any part of the shores or banks of the said river except in exercise of the powers conferred by the section of this Act of which the marginal note is "Power to construct works":
- (6) The Company shall not (except so far as shall be necessary in the construction of the said works and in carrying out operations covered by the next following subsection) take any gravel soil or other material from the bed or shores of the said river without the previous consent of the Port Authority:
- (7) The Company may with the consent in writing of the Port Authority deepen dredge scour and excavate any portion of the foreshore of

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the bed of the said river to the extent necessary to secure a sufficient waterway and approach to the wharves by this Act authorised for vessels using the same. Provided that the material so dredged shall be deposited above the high-water mark of ordinary spring tides or with the consent of the Board of Trade in the recognised depository area at sea :

- (8) The Port Authority shall not be liable for any damage or injury howsoever caused to the said works (whether temporary or permanent) resulting from the dredging operations of the Port Authority or the carrying out by them in the proper execution of their statutory powers and duties of any operations in the said river or works for the improvement or maintenance thereof :
- (9) During the construction of the works by this Act authorised the Company shall so far as the Port Authority may reasonably require avoid obstructing to an unnecessary extent access to the works lands and backwaters of riparian owners situate near or in proximity to any of the works by this Act authorised :
- (10) The Company shall at all times allow any authorised representative of the Port Authority to inspect or survey all or any of the works by this Act authorised both during and after construction and shall give all reasonable facilities for so doing :
- (11) Notwithstanding anything in this Act or in the Acts incorporated therewith the compensation or consideration payable to the Port Authority by the Company in respect of permanent or temporary works placed in the said river or on or under the bed shores or banks thereof or in under along or across any such creek tributary or watercourse as aforesaid shall be assessed in the same manner as if such works had been constructed in pursuance of a licence granted by the Port Authority under Part VI (e). (Licences and permissions for works) of the Port of London (Consolidation)

Act 1920 or any statutory provision in lieu thereof for the time being in force : A.D. 1932.

- (12) The Company in the construction of the works by this Act authorised or any of them or in the exercise of any powers of this Act shall not allow any loose timber to drift into the said river and nothing in this Act or in any Act incorporated therewith shall prejudice or affect in any manner the powers of the Port Authority under sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 or any of the provisions of those sections or any requirements of the Port Authority thereunder :
- (13) No part of any wharf or landing stage by this Act authorised or any jetty connected therewith shall be used for any purposes other than the purposes of the undertaking :
- (14) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the Port Authority would have been entitled if this section had not been enacted :
- (15) If any difference shall arise between the Company and the Port Authority under subsection (1) or subsection (9) of this section such difference shall be referred to and determined by an arbitrator to be agreed on between the parties or failing agreement appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

36. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may be defrayed wholly or partly out of revenue. Costs of Act.

A.D. 1932.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

ADDITIONAL LANDS FOR MANUFACTURE OF
GAS &C.

Lands in the urban district of Canvey Island in the county of Essex comprising the enclosures respectively numbered 363 363A 372 373 374 375 376 and 377 on the 1/2500 Ordnance map (edition of 1923) Essex (new series) sheets N.XC. 9 and N.XC. 10.

SECOND SCHEDULE.

ADDITIONAL LANDS TO BE ACQUIRED BY THE
COMPANY.

Lands and premises in the urban district of Brentford and Chiswick in the county of Middlesex abutting upon High Street Brentford and comprising the premises known as No. 31 High Street and the piece or parcel of land bounded on the south-west by those premises and on the north-east and south-east by other lands belonging or reputed to belong to the Company.

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