



## CHAPTER clxxxii.

An Act to empower the Shepton Mallet Gas Company to supply electricity within their limits of gas supply. A.D. 1905.

[4th August 1905.]

**W**HEREAS the Shepton Mallet Gas Company (herein-after called "the Company") were incorporated by the Shepton Mallet Gas Act 1902 (herein-after called "the Act of 1902") and thereby authorised to supply gas within the limits prescribed by that Act namely the parishes of Shepton Mallet and Croscombe in the county of Somerset :

And whereas it is expedient that the Company be empowered to supply electricity for public and private purposes within the area of supply defined by this Act :

And whereas the Urban District Council of Shepton Mallet have concurred in the promotion of the Bill for this Act :

And whereas that object cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

## PRELIMINARY.

**1.** This Act may be cited as the Shepton Mallet Gas Company (Electric Lighting) Act 1905. Short title.

[Price 1s.]

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Application  
of Electric  
Lighting  
Acts.

2. This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 and of the provisions of the schedules annexed thereto (which Acts and schedules are herein-after referred to as "the principal Acts").

Incorporation  
of Acts.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ;

The provision to be made for affording access to the special Act by all parties interested :

And Part I. (Cancellation and surrender of shares) Part II. (Additional capital) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and the provisions of the schedule annexed to the Electric Lighting (Clauses) Act 1899 except sections 5 and 23.

4. In this Act the several words terms and expressions to which by the principal Acts meanings are assigned shall have the same respective meanings unless varied by this Act and unless there be something in the subject or context repugnant to such construction And in this Act—

A.D. 1905.  
Interpreta-  
tion.

The expression "the Company" means the Shepton Mallet Gas Company;

The expression "the undertaking" means the undertaking of the Company as authorised by this Act and the Act of 1902;

The expression "the area of supply" means the area described in the section of this Act of which the marginal note is "Area of supply";

The expression "local authority" shall mean with respect to each part of the area of supply within the district of a local authority the local authority for that part;

The expression "energy" means electrical energy.

#### AREA OF SUPPLY.

5. The area of supply for the purposes of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the parishes of Shepton Mallet and Croscombe in the county of Somerset and within such area the Company may supply energy for all public and private purposes.

Area of  
supply.

#### WORKS &c.

6.—(1) The Company may on the lands described in the First Schedule to this Act or any of them or any part or parts thereof erect maintain work and use stations or works for producing generating transforming storing using transmitting conveying and distributing energy or any material product matter or thing arising or used in the process of or necessary for the purpose of such generation or transformation with all necessary and convenient buildings engines dynamos batteries accumulators storage works motors generators machinery railways tramways sidings roads approaches plant appliances and apparatus and may produce generate transform use transmit convey and distribute such energy material product matter or things accordingly.

Generating  
stations.

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(2) The Company may on such lands exercise the powers of the Act of 1902 and use their existing undertaking so far as situate thereon for all or any of the purposes in this section mentioned.

Purchase and use of lands.

7. Subject to the provisions of this Act and the principal Acts the Company may by agreement purchase take on lease hold and use any lands for the purposes of this Act and may also for those purposes use any lands acquired by them for the purposes of the Act of 1902 in addition to those described in the First Schedule to this Act and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Act Provided that the amount of land acquired by them under this section shall not exceed in the whole two acres and that nothing in this Act shall exonerate the Company from any indictment action for other proceeding or nuisance in the event of any nuisance being caused or permitted by the Company on any land acquired under the powers of this section.

Gas and electricity works to be kept separate.

8. The plant and works provided by the Company for the purpose of supplying energy shall be kept separate from the works provided for the purpose of supplying gas.

Agreements for supply of electrical energy to local authorities &c.

9. Notwithstanding anything to the contrary contained in the principal Acts the Company may enter into and carry into effect contracts agreements and arrangements with any local authority company or person who are or may be authorised to generate and supply energy for the supply to or by such local authority company or person by or to the Company of energy plant fittings or materials and the prices to be charged for and the terms and conditions of such supply.

Power to break up streets not repairable by local authority and railway.

10. Subject to the provisions of the principal Acts the Company may break up for the purposes of this Act the streets not repairable by the local authority which are mentioned in the Second Schedule to this Act and the railway which is mentioned in that schedule.

Power to supply engines motors fittings &c. for lighting power and

11. The Company may purchase provide supply sell and let on hire and may fix set up alter repair and remove but shall not manufacture engines machines motors accumulators cables conductors services wires tubes pipes insulators distributing cut-out and other boxes switches transformers lamps meters fittings

and other apparatus and appliances used for or in connexion with the production transmission storage transformation measuring regulating distributing and use of energy for lighting and other purposes whether public or private or for converting the same into motive power heat or otherwise and may provide all materials and do all work necessary or proper in that behalf and may demand take and recover such remuneration in money or such rents or charges for and may make such terms and conditions with respect to the supply sale letting fixing setting up altering repairing and removing of such articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return to the Company, as may be agreed on between the Company and the person to or for whom the same are sold supplied let on hire fixed or set up as aforesaid No articles or things let on hire under the provisions of this section shall be subject to distress or to the landlord's remedy for rent nor be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be or be deemed to be landlord's fixtures or pass with any conveyance or mortgage of the premises wherein the same may be fixed Provided that such articles and things have upon them a distinguishing metal plate affixed on or to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

A.D. 1905.  
other pur-  
poses.

#### DISTRIBUTING MAINS.

**12.** Section 21 (subsection 1) of the schedule to the Electric Lighting (Clauses) Act 1899 in so far as it specifies a period within which the Company shall lay down distributing mains shall not apply to the Company but the Company shall before the expiration of three years after the passing of this Act without being required to do so lay down reasonably suitable and sufficient distributing mains for the purposes of general supply throughout the streets or parts of streets mentioned in the Third Schedule to this Act and thereafter in every street or part of a street within the area of supply upon being required to do so in manner provided by this Act Provided that the Board of Trade may from time to time extend such period for such further period as they may think fit And provided further that the

Mains &c. to  
be laid down.

A.D. 1905. Board of Trade may on the expiration of such period or extended period as aforesaid if such mains mentioned in the Third Schedule to this Act are not then laid or evidence forthcoming of the bonâ fide intention of the Company to lay such mains on the representation of the urban district council of Shepton Mallet revoke the powers of this Act and make such order as to payment by the Company of the costs of such representation as they think fit.

#### PRICE.

Maximum price.

**13.** The maximum price to be charged by the Company for energy supplied by them except to public lamps shall subject to alteration as in the schedule to the Electric Lighting (Clauses) Act 1899 provided be that stated in that behalf in the Fourth Schedule to this Act.

Discounts.

**14.** The Company may if they think fit allow discounts or rebates to consumers of electricity in consideration of prompt payment of charges for electricity not exceeding in any case five per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case twenty per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for electrical charges.

#### CAPITAL DIVIDEND &c.

Power to raise additional capital.

**15.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 and for the purposes of this Act raise any additional capital not exceeding in the whole nine thousand pounds by the issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided new shares to be subject

**16.** Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities

rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital.

A.D. 1905.  
to same  
incidents as  
other shares.

**17.** The capital in new shares so created shall form part of the capital of the Company.

New shares  
to form part  
of capital of  
Company.

**18.** Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of such new shares out of the profits of the undertaking as herein-after provided proportioned to the whole amount from time to time called up and paid on such new shares.

Dividends on  
new shares.

**19.** Sections 30 31 32 33 and 34 of the Act of 1902 shall mutatis mutandis extend and apply to the capital by this Act authorised to be raised.

Incorporation  
of sections of  
Act of 1902  
as to auction.

**20.** The Company shall not have power to raise any money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock by the creation of shares or stock or to convert into capital the amount borrowed under the provisions of this Act.

Conversion  
of borrowed  
money into  
capital re-  
stricted.

**21.** If any money be payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Receipt in  
case of per-  
sons not sui  
juris.

**22.** The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the share capital of the Company by this Act authorised at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one half thereof is paid up and the Company shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share issued and accepted has been paid on account thereof before or at the time of the issue

Power to  
borrow.

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or acceptance thereof and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Priority of mortgages and debenture stock over other debts.

**23.** All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of the Act of 1902 or under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of principal moneys secured by existing mortgages.

**24.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

For appointment of a receiver.

**25.** Section 36 of the Act of 1902 is hereby repealed but without prejudice to any appointment heretofore made or to any proceedings pending at the passing of this Act and in lieu thereof the mortgagees of the Company under this Act may enforce the payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Issue of debenture stock.

**26.** The Company may create and issue debenture stock subject to the provisions of section 37 of the Act of 1902 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.



**27.** All money raised under this Act by the Company whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act being in all cases purposes to which capital is properly applicable.

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Application  
of money  
raised under  
Act.

**28.** Except as herein-after provided the profits of the Company to be divided in any year among the holders of the capital in new shares created under this Act shall not exceed the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital (herein-after referred to as "the standard rate of dividend").

Standard  
rate of  
dividend.

**29.** The Company may (subject to the section of this Act whereof the marginal note is "Maximum price") increase or reduce the price charged by them for energy supplied by them above or below the standard price as herein-after defined subject to a reduction or increase in the dividend payable by them on capital raised by them under this Act as follows:—

Dividend  
may be  
varied in  
accordance  
with price  
charged.

If and whenever during any year the average net price per unit obtained by the Company for energy supplied by them throughout the area of supply shall have been less than sixpence (which price is herein-after called "the standard price") the dividend which the Company shall be authorised to pay shall in respect of each one quarter of a penny by which such average price shall have been less than the standard price be increased by five shillings on every one hundred pounds of such paid-up capital and so in proportion for any fraction of one hundred pounds:

If and whenever during any year the average net price per unit obtained by the Company for energy supplied by them throughout the area of supply shall have been more than the standard price the dividend which the Company shall be authorised to pay shall in respect of each one quarter of a penny by which such average price shall have been more than the standard price be reduced by five shillings on every one hundred pounds of such paid-up capital and so in proportion for any fraction of one hundred pounds:

Provided that in no case shall the Company be entitled to charge a higher price for energy than eightpence per unit as defined in the Fourth Schedule to this Act.

A.D. 1905.

Incorporation of sections of Act of 1902.

**30.** Sections 25 27 28 and 29 of the Act of 1902 shall be deemed to be incorporated with and shall henceforth be read and construed as if they formed part of this Act Provided that in the said sections the expression ordinary capital shall mean the A capital and such additional capital under the Act of 1902 as is not issued thereunder as preference capital and in addition the capital authorised to be raised by this Act and that in the said section 29 the amount of the divisible profits applicable to the payment of the excess of dividend therein mentioned shall be deemed to include profits by this Act authorised to be applied in payment of dividend on the capital authorised by this Act in excess of the standard dividend by this Act provided in respect thereof.

Capital to be distinguished as gas capital and electricity capital.

**31.** All capital raised for the purposes of the Act of 1902 shall be called "gas capital" and all capital raised for the purposes of this Act shall be called "electricity capital" and shall be so distinguished in the books and accounts of the Company and in all share and stock certificates issued by the Company.

Separate accounts of gas and electricity portions of undertaking.

**32.** Separate capital and revenue accounts shall be kept of the gas portion and the electricity portion of the undertaking of the Company.

Each portion of the undertaking shall be duly accredited and debited with the receipts and payments exclusively attributable thereto.

The Company shall out of the capital moneys raised under this Act carry to the credit of the capital account of the gas portion of the undertaking the value of all land acquired for the purposes of that portion of the undertaking and used for the purposes of the electricity portion of the undertaking.

The expenses of direction and management and any expenses common to both portions of the undertaking shall be from time to time apportioned between them as nearly as conveniently practicable in proportion to the amount of capital for the time being expended on the two portions of the undertaking.

#### PROTECTIVE CLAUSES.

For protection of London

**33.** For the protection of the London and South Western Railway Company and the Midland Railway Company as lessees

of the Somerset and Dorset Railway (herein-after referred to as "the lessee companies") the following provisions shall apply:—

A.D. 1905.  
and South  
Western and  
Midland  
Railway  
Companies.

- (1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railway lands and property now belonging to leased used or occupied by the lessee companies or the bridges approaches viaducts stations or other works or any level crossings of the Somerset and Dorset Railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the lessee companies and according to plans to be submitted to and approved by him in writing and within a reasonable time or in case of difference as may be determined by arbitration in the manner herein-after provided :
- (2) All such works shall be done by and at the expense of the Company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over any bridge for the repair of which the lessee companies are liable or over any level crossing of the Somerset and Dorset Railway or over the approaches to any such level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the lessee companies elect so to do where any mains pipes apparatus or other works require to be laid under or across any level crossing of the Somerset and Dorset Railway they may themselves lay the same at the reasonable costs charges and expenses of the Company :
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railway or at to or from any station thereon :

A.D. 1905.

- (4) If the lessee companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to alter or repair their railway bridges viaducts or works upon across or over or under which any of the works of the Company may have been constructed or laid the lessee companies may on giving to the Company twenty-eight days notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the electricity supply of the Company :
- (5) Any additional expense which the lessee companies may reasonably and properly incur in widening altering reconstructing or maintaining the Somerset and Dorset Railway or the works connected therewith by reason of the existence of any electric lines of the Company across or under the same shall be paid by the Company :
- (6) Any dispute or difference which may arise between the lessee companies and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the lessee companies and the Company or either of them.

Saving  
rights of  
duchy of  
Cornwall.

**34.** Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the duchy of Cornwall

without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the duchy of Cornwall or in or by the Duke of Cornwall for the time being.

A.D. 1905.

## MISCELLANEOUS.

**35.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest not  
to be paid  
on calls  
paid up.

**36.** Nothing in this Act shall exempt the Company or their undertaking from the provisions of or deprive the Company of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Act.

Provision as  
to general  
Acts.

**37.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of any moneys they have power to raise under this Act or out of their revenues.

Costs of  
Act.

A.D. 1905.

The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

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LAND FOR GENERATING STATION.

All that piece or parcel of land belonging to the Company with gasworks erected thereon containing by admeasurement 7,488 square yards situate at Cowl Street in the parish of Shepton Mallet and bounded on the north by the approach road to the cemetery on the east by Cowl Street on the west by the said cemetery and on the south by garden ground belonging or reputed to belong to the representatives of the late William Fudge being the piece or parcel of land set out and described in the schedule to the Shepton Mallet Gas Act 1902.

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SECOND SCHEDULE.

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*List of Streets not repairable by the Local Authority and Railway which may be broken up by the Company in pursuance of the special powers granted by this Act.*

STREETS :

In the parish of Shepton Mallet Victoria Grove Princes Road Park Road and Petticoat Lane and all other streets (if any) within the limits of this Act not repairable by the local authority other than streets or roads belonging to or repairable by the Somerset and Dorset Railway Company or the London and South Western or Midland Railway Companies.

RAILWAY :

Bridge over the Great Western Railway on the east side of the Shepton Mallet Railway Station.

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[5 EDW. 7.]

*Shepton Mallet Gas Company*  
*(Electric Lighting) Act, 1905.*

[Ch. clxxxii.]

### THIRD SCHEDULE.

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A.D. 1905.

*List of Streets and parts of Streets throughout which the Company are to lay down suitable and sufficient Distributing Mains for the purposes of general supply within a period of Three Years after the passing of this Act.*

Waterloo Road Town Street High Street Paul Street from its junction with High Street to the Wesleyan Chapel Commercial Road from its junction with High Street to the Royal Oak public-house.

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### FOURTH SCHEDULE.

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In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

#### SECTION 1.

Where the Company charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

#### SECTION 2.

Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under the Board of Trade regulations.

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