



CHAPTER ccvii.

An Act for incorporating and conferring powers on the A.D. 1904.
Lothians Electric Power Company. [15th August 1904.]

WHEREAS the providing of central electrical generating stations and the erection of such buildings and works as are herein-after mentioned for the production transformation storage and distribution of electricity within the area of supply herein-after defined would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct the electrical generating stations and buildings and it is expedient that they be incorporated into a company (in this Act called "the Company") and that powers should be conferred on them for the purpose and for acquiring certain lands for such generating stations buildings and works and generally for carrying out the objects and provisions of this Act :

And whereas a plan showing the lands which may be taken compulsorily under the powers of this Act with a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the principal sheriff clerks of the counties of Mid Lothian or county of Edinburgh East Lothian or county of Haddington Peebles and Lanark and are herein-after respectively referred to as the deposited plan and book of reference :

And whereas it is expedient that the Company be empowered to make charges for the supply of electricity and to raise capital and borrow money for the purposes of this Act :

And whereas it is expedient that powers should be conferred upon the Company to make contracts and agreements with local authorities and others for the supply of electrical energy in bulk

A.D. 1904. or otherwise and with railway and canal companies for the acquisition of easements for the placing of mains cables tubes pipes posts and wires along or adjacent to their lines of railway and canals as herein-after provided :

And whereas the aforesaid objects 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 :—

Short title. **1.** This Act may be cited as the Lothians Electric Power Act 1904.

Application of Electric Lighting Acts and incorporated Acts. **2.** The provisions of the Electric Lighting Act 1888 and the schedule to the Electric Lighting (Clauses) Act 1899 which are contained in the sections thereof herein-after mentioned shall not apply to the undertaking under this Act or to the Company in relation to that undertaking anything in any of the said Acts to the contrary notwithstanding (that is to say) :—

Sections 2 and 3 of the Act of 1888 and sections 2 3 5 7 8 9 21 to 29 30 so far as respects supply in bulk 31 to 35 64 to 68 75 78 and 84 of the schedule to the Act of 1899 :

But except as aforesaid the provisions of the said Act of 1888 and the said schedule are incorporated with and form part of this Act.

The provisions of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the laying down and placing of any cables or other works in through under along or across the bed and foreshore of any river.

Incorporation of Lands Clauses and Companies Clauses Acts. **3.** The Lands Clauses Acts and the Companies Clauses Consolidation (Scotland) Act 1845 Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts are subject to the provisions of this Act incorporated with and form part of this Act.

Interpretation. **4.** In this Act unless the context otherwise requires—
The several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something to the contrary contained therein ;

“The undertaking” means the undertaking by this Act authorised ; A.D. 1904.

“The Company” means the Company incorporated by this Act who shall for the purposes of this Act be the undertakers within the meaning of the principal Acts ;

“Authorised undertakers” means—

(1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within the area of supply as defined by this Act ;

(2) Any county authority local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy within the area of supply as defined by this Act (in this Act referred to as “authorised distributors”) ;

The expression “county authority” means and includes the county council of any county and the district committee of any district within the area of supply as defined by this Act ;

The expression “local authority” means and includes the town council of any burgh within the area of supply.

5. The domicile of the Company with reference to all judicial proceedings or actions at law shall be and be deemed to be in Edinburgh. Domicile of Company.

6. David Russell James Archibald Hood Montague Tabor Pickstone Walter Stowe Bright McLaren Mark Robinson Thomas Octavius Callender James Hunter Annandale Henry Mungall and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assignees respectively shall be and are hereby united into a company for the purpose of making and maintaining central generating stations and for the other purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “The Lothians Electric Power Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

7. Subject to the provisions of this Act the Company may acquire lease hire construct maintain use enlarge alter or discontinue the use of and may sell let or otherwise dispose of lands General powers of Company.

A.D. 1904. — buildings machinery plant and apparatus for the production generation storage regulation transformation measurement and supply of electrical energy and may also sell let or otherwise dispose of all such lands buildings machinery appliances and other property.

LANDS &c.

Lands for generating stations.

8. The Company may subject to the provisions of this Act enter upon take hold and use the lands in the counties of Mid Lothian or county of Edinburgh East Lothian or county of Haddington Peebles and Lanark so far as described in the First Schedule to this Act and shown on the deposited plan and described in the deposited book of reference or any part or parts thereof and may use those lands so far as described in such schedule aforesaid or any portion thereof for the erection and establishment of stations for generating electrical energy with all necessary and convenient buildings engines dynamos apparatus and conveniences connected with such stations.

Correction of errors &c. in deposited plan and book of reference.

9. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to the sheriff of the county in which such lands are situate for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the town clerk or clerk to the commissioners of any burgh or with the clerk of the parish council of any parish outside a burgh in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

11. Subject to the provisions of this Act the Company may manufacture acquire maintain and use and sell let on hire and otherwise dispose of electric and other mains storage and other batteries dynamos accumulators cables conductors services wires tubes pipes insulators meters reservoirs distributing cut-out and other boxes switches transformers lamps fittings motors and other apparatus for transmitting storing measuring regulating and distributing electrical energy for lighting and other purposes public and private or for converting the same into motive power heat or otherwise and may (by agreement) lay down and use pipes conduits and other channels of water supply for feeding or condensing purposes or other purposes connected with the undertaking of the Company.

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Storage and
distributing
works.

12. The Company may for the general purposes of their undertaking purchase and hold or take on lease (by agreement but not otherwise) in addition to any lands delineated on the deposited plan and described in the deposited book of reference so far as the Company are authorised by this Act to acquire the same compulsorily any lands and hereditaments not exceeding in the whole sixty acres which the Company may from time to time require for the aforesaid purposes but the Company shall not be exonerated from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands acquired under this section.

Power to
purchase
lands by
agreement.

13. The Company may acquire by agreement and exercise servitudes for the placing of mains cables posts and wires over and under lands and property belonging to any company body or person and may make agreements with any companies bodies and persons for the supply of electricity by or to the Company.

Servitudes
over lands
and property.

14. 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 servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in 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 servitudes rights and privileges as aforesaid respectively.

Power to
owners to
grant servi-
tudes &c.

15.—(1) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the

Restriction
on taking
houses of

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labouring
class.

Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2). If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

CAPITAL.

Capital.

16. The capital of the Company shall be six hundred thousand pounds in sixty thousand shares of ten pounds each.

Shares not
to be issued
until one
fifth paid.

17. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.

Calls.

18. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in
case of per-
sons not sui
juris.

19. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of his tutor or curator or curator bonis or of the guardian or committee of his estate shall be a sufficient discharge to the Company.

20. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

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Power to divide shares.

21. The dividends which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividends on half shares.

22. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Dividend on preferred shares to be paid out of profits of year only.

23. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be

Half shares to be registered and certificates issued.

A.D. 1904. delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

24. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

25. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

26. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

27. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Portion of capital to be subscribed before compulsory powers put in force.

28. When one hundred thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land for the purposes of the generating station or stations by this Act authorised and such sums shall be deemed to be the prescribed sum for the purposes of section 16 of the Lands Clauses Consolidation (Scotland) Act 1845 The deposit with the Board of Trade of a statutory declaration by two of the directors and the secretary of the Company that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof.

29. The Company may borrow on debenture or on mortgage of their undertaking any sum or sums not exceeding in the whole one third part of the amount of the share capital of the Company 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 sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) 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 so issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and upon production to such sheriff 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.

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As to
borrowing
power of
Company.

30. The mortgagees or debenture holders of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages or debentures by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees or debenture holders by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

For appoint-
ment of a
judicial
factor.

31. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Order or Act shall subject to the provisions of any subsequent Order or Act rank *pari passu* (without respect to the dates of the securities or of the Orders or Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture
stock.

32. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application
of moneys.

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APPOINTMENT OF DIRECTORS AND MEETINGS.

First ordinary meeting.

33. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

34. The number of directors shall be seven but the Company may vary the number provided that the number be not at any time less than four nor more than seven.

Qualification of directors.

35. The qualification of a director shall be the possession in his own right of not less than one hundred shares.

Quorum.

36. The quorum of a meeting of directors shall be three.

First directors.

37. Thomas Octavius Callender Walter Stowe Bright McLaren David Russell James Archibald Hood James Hunter Annandale and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act (or nominated as aforesaid) or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act (or nominated as aforesaid) being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

SUPPLY.

Area of supply.

38. Subject to the provisions of this Act the area of supply shall be the whole of the county of Mid Lothian or county of Edinburgh (excepting the burghs of Edinburgh and Leith and the parishes of Stow Heriot and Fala and Soutra) the parishes of Aberlady Gladsmuir Haddington Tranent Prestonpans Pencaitland Salton and Ormiston in the county of East Lothian or county of Haddington the parishes of Newlands Eddleston and Linton or

West Linton in the county of Peebles and the parishes of Carstairs
Carnwath and Dunsyre in the county of Lanark Provided that
nothing in this section contained shall authorise the Company
to supply electricity within the burgh of Musselburgh without
the written consent of the authorised distributors within the said
burgh :

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Provided always that in the event of any extension of the
boundaries of the city and Royal burgh of Edinburgh (in this
section called "the city") at any time after the passing of this Act
such extended area shall subject to the provisions of this section
for the purposes of the exception contained in this section be
deemed to be part of the city Provided further that the existence
of the Company's works in any district which may be proposed to
be annexed to the city shall not form a ground for the Company
opposing any such annexation And the Company shall not oppose
the corporation of the city of Edinburgh (in this section called
"the corporation") obtaining powers to extend their electric
lighting area over any district which may hereafter be annexed
to the city except so far as may be necessary in order to secure
the insertion in any Act or Order which may be promoted by the
corporation for that purpose of clauses or amendments—

- (A) To protect the electric stations lines and works of the
Company ;
- (B) With respect to any provisions which may be contained in
any such Act or Order as to the taking over of any
supply then given by the Company or stations lines or
works belonging to the Company ;
- (C) To provide that the corporation shall in their option either
take over any works of the Company within the said
area so annexed or allow the Company to continue to
exercise their powers therein ; and
- (D) If the Company shall have entered into a binding agree-
ment with the local authority of or any person in any
such area which may be annexed to the city as afore-
said for a supply of energy to or in such area for the
purpose of securing the due implement of any such
obligation by the Company or of being relieved thereof
by the corporation :

Provided also that the following provisions shall have effect
within any area so far as the same is within the area of supply
of the Company which may be so added to the city (that is
to say) :—

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- (1) All additional capital expenditure at any time hereafter reasonably incurred by the corporation in laying repairing renewing altering or extending their mains pipes sewers tramways and other works (except electric mains and lines) in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in any road street or bridge and which but for the passing of this Act and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company :
- (2) The corporation shall not be liable for any damage which the Company or those supplied by them may sustain through the acts of the corporation in constructing reconstructing improving repairing or maintaining any sewers mains pipes electric lines tramways or other works or through the reasonable exercise of any rights functions powers or privileges vested or to be vested in the corporation or through the flooding of the mains or property of the Company or any other cause whatsoever except in so far as such damage is due to the fault or neglect or want of reasonable care of the corporation or their servants :
- (3) The Company shall free of charge supply to the corporation one copy of so much of the map and section to be made as mentioned in section 60 of the schedule to the Electric Lighting (Clauses) Act 1899 as relates to any district in the Company's area of supply within which the corporation may lay down or construct or may be authorised to lay down or construct sewers mains pipes tramways drains electric lines and other works and shall once in every year on being requested to do so cause the said copy to be duly corrected to date :
- (4) If any difference shall arise between the corporation and the Company as to any matter or thing arising out of this Act every such difference shall on the application of either party be referred to the determination of an arbiter to be mutually agreed upon and failing agreement to be appointed on the requisition of either of them by the Board of Trade and such arbiter shall have power to determine the matter in difference.

39. The powers of the Company for the supply of energy under this Act shall be subject to the following restrictions (that is to say) :—

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Limitation
of powers.

- (1) Energy shall be supplied by the Company only—
 - (A) To authorised undertakers in bulk ; and
 - (B) To persons requiring a supply for power :
- (2) The Company shall not supply energy for lighting purposes except to authorised undertakers provided that the energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised :
- (3) If at any time after the passing of this Act any county authority local authority company or person become authorised distributors in any area within the area of supply under this Act the Company shall be subject to any provisions which may be made by the Act or Provisional Order under which the distributors become authorised as to the taking over of any supply then given by the Company for use exclusively within the area of supply of the distributors or otherwise as to the powers of the Company to supply within that area and such provisions may be made in any such Provisional Order under the Electric Lighting Acts 1882 and 1888 :
- (4) The Company shall not supply energy (except to authorised undertakers) in any area which at the date of the passing of this Act forms part of the area of supply of any authorised distributors without the consent of those distributors which consent shall not be unreasonably withheld Provided that the consent of such distributors shall not be required in the case of a supply of energy being demanded from and given by the Company to any railway tramway or canal company or to the trustees of any harbour or navigation within such area :
- (5) If any question arises as to whether the consent of any authorised undertakers is unreasonably withheld that question shall be determined by the Board of Trade and the consent shall be deemed to be unreasonably withheld if the authorised undertakers are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering

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what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the Company are willing and able to give the supply.

As to application for Provisional Orders.

40. Nothing contained in this Act shall prevent the Company from applying and the Company may apply for Provisional Orders under the Electric Lighting Acts 1882 and 1888 Provided that before applying for any such Provisional Order the Company shall have obtained the consent in writing of the county or local authority having jurisdiction within the area to which such Provisional Order is to apply And provided also that the powers of a county or local authority to purchase an undertaking authorised by a Provisional Order shall not extend to enable them to purchase any generating station of the Company which is used for the supply of energy to other districts.

Company not to oppose applications by local authority for Provisional Orders.

41. If any county or local authority within the area of supply shall at any time after the passing of this Act apply for an Act or Provisional Order to authorise them to generate supply or use electrical energy the Company shall not oppose such application except so far as may be necessary in order to secure the insertion in such Act or Order of clauses or amendments to protect their electric lines and works and with respect to any provisions which may be contained in any such Act or Order as to the taking over of any supply then given by the Company or its lines or works connected therewith.

Company to furnish supply of energy in bulk to undertakers within area of supply.

42. The Company shall upon being required to do so by any authorised undertaker give and continue to give to that undertaker at such point or points within the area of supply of such undertaker as he may reasonably require a supply of energy in bulk at a price not exceeding the prices stated in the Second Schedule to this Act and they shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such undertaker at such point or points the maximum power with which such undertaker may be entitled to be supplied under this Act subject to the conditions following (that is to say) :—

(1) Every such undertaker requiring a supply of energy in bulk shall—

(A) Serve a notice upon the Company specifying the point at which such supply is required to be

given and the maximum power required to be supplied and the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the district and to the length of electric line required to be laid and plant required to be erected for affording such supply) ; and

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(B) Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for the supply of energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant then existing and any electric line then laid) incurred by the Company in making provision for such supply :

- (2) The Company may charge for a supply of energy to such undertaker either by the actual amount of energy so supplied or by the electrical quantity contained in the supply or by such other method as may be agreed between the Company and such undertaker :
- (3) The maximum power with which any such authorised undertaker shall be entitled to be supplied shall be of such amount as shall be reasonable for the purposes for which such supply is required and shall not be increased except upon service of a fresh notice in accordance with the provisions of this section.

If any difference arises under this section such difference shall be determined by arbitration in terms of the section of this Act whereof the marginal note is "Arbitration as regards supply."

43. Whenever the Company make default in supplying energy in bulk to any authorised undertaker to whom they may be and are under this Act required to supply energy in bulk in accordance with the foregoing provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds for each day on which the default occurs :

Penalty for failure to supply in bulk.

Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of five hundred pounds And provided also that in no case shall any penalty be inflicted in respect of any default if the court are

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Arbitration
as regards
supply.

44. The Company shall give a supply of energy to any person who requires a supply which may be given by this Act other than a supply in bulk upon that person entering into a binding agreement to take the energy upon such terms as failing agreement shall be fixed by a single arbiter appointed by the Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the Company) the arbiter shall have regard to the following amongst other considerations :—

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take energy :
- (2) The amount of energy required and the hours during which the Company can be called upon to supply such energy :
- (3) The capital expenditure in connexion with the supply of such energy : and
- (4) How far capital expended in connexion with such supply may become unproductive to the Company upon the discontinuance of such supply.

Notice of
discontinu-
ance of
supply.

45. Any authorised undertaker or person supplied with energy by the Company under this Act who is desirous of discontinuing to receive such supply shall give to the Company twelve months' notice in writing of his intention to discontinue to receive such supply. Such notice may be given so as to expire at the end of the period for which the undertaker or person has contracted to continue to receive and pay for such supply or at any subsequent date.

Agreements
for supply
of energy.

46. Subject to the provisions of this Act the Company on the one hand and any person on the other hand may enter into and carry into effect contracts agreements or arrangements for or with respect to the supply by the Company to such person of energy at such price and on such terms and conditions as may be agreed and the Company may supply such energy accordingly.

Maximum
power.

47. The maximum power with which any such authorised undertaker or person shall be entitled to be supplied shall be of such amount as he may demand to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption.

If any difference arises between any such authorised undertaker or person and the Company as to what may be reasonably

anticipated as the consumption of such authorised undertaker or person such difference shall be determined by a single arbiter to be appointed by the Board of Trade. A.D. 1904.

48.—(1) Subject to the provisions of this Act any electric lines laid down in any street by the Company under this Act shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the county authority or local authority as the case may be or as failing agreement shall be settled by the Board of Trade. And the Company shall show on the plan of the works to be served on such county authority or local authority in accordance with the provisions of this Act the route proposed to be taken and the dimensions and position of the proposed trench. As to route.

Where the county authority or local authority object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of such county or burgh and indicates an alternative route or deviation and either within or without or partly within and partly without the area of such county or burgh which in the opinion of the Board of Trade is reasonably practicable such alternative route or deviation shall be adopted. Provided nevertheless that the provisions of this section shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation.

(2) The reasonable and proper costs charges and expenses incurred by any county authority or local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the county authority or local authority in the matter has been unreasonable be paid by the Company.

49.—(1) The Board of Trade may on the application of the Company or of any authorised undertaker or person to whom the Company is supplying energy under this Act or of any county or local authority within the area of supply appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act and the Board of Trade may prescribe the fees to be taken by any such inspector and these fees shall be accounted for and applied as may be directed by the Board of Trade. Appoint-
ment of
electric
inspectors.

(2) The Company shall whenever reasonably required by any county authority or local authority through whose district any

A.D. 1904. trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the Company fail to comply with the provisions of this subsection any such county authority or local authority may apply to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

PRICES AND DIVIDENDS.

Maximum prices.

50. The prices to be charged by the Company for energy supplied by them shall not exceed those stated in that behalf in the Second Schedule hereto.

Relation between price and dividend.

51.—(1) Except as herein-after provided the dividend payable by the Company on the capital of the Company in any year shall not exceed eight pounds in respect of every hundred pounds paid up of such capital and that rate of dividend is herein-after referred to as “the standard rate of dividend.”

(2) If in any year the average price per unit obtained by the Company for energy supplied by them throughout their district is less than twopence and one halfpenny per unit (herein-after referred to as “the standard price”) the dividend which the Company is authorised to pay in that year may be increased in the ratio of four shillings per centum in respect of every one and a quarter per centum by which the average price charged by the Company has been below the standard price.

(3) If in any year the average price per unit obtained by the Company for energy supplied by them throughout their district is more than the standard price the dividend which the Company is authorised to pay in that year shall be reduced below the standard rate of dividend in the ratio of four shillings per centum for every one and a quarter per centum by which the average price so obtained by the Company has been above the standard price.

(4) The Company may in addition to the dividends authorised under this Act make good any deficiency in any previous dividends which have fallen below the standard rate of dividend.

(5) The Company shall not in any case be entitled to charge for energy supplied under this Act any higher price than the maximum prices stated in this Act save as provided by sections 44 46 and 66 of this Act,

52.—(1) The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the Company or of any three or more authorised undertakers to whom electricity is supplied by the Company in bulk under this Act or of any twenty persons to whom electricity is otherwise supplied by the Company under this Act may revise the maximum prices contained in the Second Schedule to this Act and the relation between price and dividend as fixed by this Act and also the standard price as so fixed.

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Revision of
prices.

(2) The Board of Trade may if they think fit on the like application make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

(3) On any such revision being so made the Board of Trade may modify the provisions of this Act both as to price and the relations between price and dividend so far as may be necessary to carry out their decisions on the revision.

PROTECTIVE PROVISIONS.

53. For the protection of the county council of any county or the district committee of any district within the area of supply (in this section called "the county authority") and of the roads streets and bridges sewers pipes waterworks channels conduits and other property vested in or under the jurisdiction of the county authority the following provisions shall notwithstanding anything contained in this Act or in the Acts incorporated therewith have effect unless otherwise agreed on between the county authority and the Company:—

For pro-
tection of
county autho-
rities.

(1)—(A) Any notice to be given by the county authority to the Company under subsection (A) of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall (except in the case of emergency in which case notice shall be given as soon as may be or in the case of the construction of a new or the reconstruction rebuilding or widening of an existing road street or bridge) be given fourteen days before the commencement of the works and subsection (B) of that section shall be read as if one week were mentioned therein instead of three weeks ;

(B) Section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall for the purposes of this section be read as if the words "(other than service lines)" were omitted therefrom :

A.D. 1904.

- (2) In the event of the county authority executing any work involving interference with any pipe wire cable electric line box or other apparatus of the Company the Company shall in addition to giving effect to any other provisions contained in this Act for the protection of roads streets and bridges and works therein within twenty-eight days from the despatch of a notice by the county authority cut off the electric current from and at their own cost alter relay or where necessary remove temporarily or permanently as they may be required such pipe wire cable electric line box apparatus or other property to suit the new or changed conditions And in the event of the Company failing within fourteen days to proceed to comply with the requirements of such notice or failing to carry out the same with all proper despatch the county authority shall be entitled to carry out the work themselves in such manner as they shall consider expedient and to recover the cost thereof from the Company but in either case the county authority shall at the Company's expense afford the Company reasonable temporary facilities for continuing the use of their mains and other property during the execution of any such works as aforesaid and all reasonable facilities for relaying or replacing the same or others substituted therefor :
- (3) When any road street or bridge in which the pipes wires cables electric lines boxes or other apparatus or property of the Company shall be laid is to be opened up by the county authority or by any contractor or surveyor or superintendent or other person acting under their authority the Company upon receiving three clear days' notice thereof at their head office or in cases of emergency such shorter notice as may be practicable shall at their own expense send to the place specified in the said notice a competent workman or superintendent or other qualified person to point out the position and level of the Company's pipes wires cables electric lines boxes or other works and give such information as may be desired by the county authority to enable the work of the county authority or persons aforesaid to be carried out expeditiously and in safety and all such operations shall be executed with all reasonable expedition and so as to cause as little damage or inconvenience to the Company as possible :

- (4) All additional expenditure on capital works as defined by the Local Government (Scotland) Act 1889 at any time after the commencement of this Act reasonably incurred by the county authority in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in any road street or bridge within the area under the jurisdiction of the county authority which but for the passing of this Act and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company: A.D. 1904.
- (5) The county authority shall not be liable for any damage which the Company or those employed by them may sustain through the acts of such authority in constructing reconstructing improving enlarging repairing or maintaining any road street or bridge sewer drain pipe channel conduit or water or other works or through the use of steam rollers or scarifiers or the reasonable exercise of any rights functions powers or privileges vested or to be vested in such authority or through the flooding of the mains or property of the Company but the provisions of this subsection shall not apply in any case where such damage results from the want of reasonable care on the part of the county authority:
- (6) All works of the Company so far as laid on or under any road street or public way shall be constructed of such strength as shall be fitted to support the weight of the heaviest traffic without injury and the Company shall not be entitled to discharge or emit from any part of their works any water steam or other matter or thing so as to cause danger or avoidable annoyance to traffic:
- (7) The reasonable remuneration of any person appointed by the county authority under the powers of this Act or of the Acts incorporated therewith to superintend any works or operations of the Company shall so far as the same may be incurred in respect of construction of works be repaid to the county authority by the Company and the Company shall complete all their works whether of construction alteration or repair with all reasonable expedition:

A.D. 1904.

- (8) The Company in opening or breaking up the surface of roads or streets shall not without the consent of the county authority have more than two hundred lineal yards open or broken up at one time in any road or street less than one quarter of a mile in length and in roads or streets of greater length shall not at one time have open or broken up any continuous portion exceeding two hundred lineal yards in length with intervals of not less than two hundred lineal yards of clear space between any portions opened or broken up and the Company shall open break up or interfere with the surface of the roads or streets and obstruct the traffic thereon as little as may be and shall restore the surface to the satisfaction of the county authority with all reasonable despatch and maintain the same or the portion thereof comprised in the certificate herein-after mentioned for twelve months from the date of the certificate of the county authority or their surveyor certifying such road or street to have been satisfactorily restored :
- (9) The Company shall free of charge supply to the county council of each county and to the district committee of each district respectively within the area of supply one copy of the map and section to be made as mentioned in section 60 of the schedule to the Electric Lighting (Clauses) Act 1899 so far as the same relates to the county or district under such authority's jurisdiction and shall once in every year cause the said copy to be duly corrected to date :
- (10) In the event of the abandonment by the Company of any portion of the works by this Act authorised subsequent to the construction or partial construction thereof the Company shall if required by notice in writing from the county authority forthwith remove the pipes wires cables electric lines boxes and other apparatus and property so abandoned then being in under over upon along or across the roads streets or bridges of the county authority and reinstate the roads streets and bridges and any pipes sewers or works therein affected by the operations of the Company to the reasonable satisfaction of the county authority and if the Company shall for three months neglect or delay so to do the county authority may themselves remove the works of

the Company and reinstate such roads streets bridges and any pipes sewers or works therein and recover the cost of so doing from the Company and the county authority may sell the works removed and apply the proceeds in reimbursement of their costs and outlays which shall be a first and preferable charge thereon :

- (11) If any difference shall arise under this section between the Company and the county authority the matter in dispute shall be settled by an arbiter to be mutually appointed or failing such appointment by an engineer or other person to be appointed by the Board of Trade on the application of either party and the expenses of the arbitration or reference (including the expenses of the parties) shall be borne and paid as the arbiter may direct :
- (12) If the Company make default in complying with any of the requirements or restrictions of this section they shall in addition to any other compensation which they may be liable to make be liable for each default to a penalty not exceeding ten pounds and in the case of continuing default to a daily penalty not exceeding forty shillings Provided that the Company shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances.

54. The Company shall make full compensation to the county authorities and other public authorities respectively for all loss or damage which may occur to the roads streets bridges sewers drains water and gas mains pipes apparatus or other property of such authorities respectively consequent upon or arising from the exercise or user of any powers by this Act conferred upon the Company including damage due to or arising from electricity escaping from the mains or other works of the Company.

For protection of county councils and other public authorities.

55. In addition to any other provisions contained in this Act or in the Electric Lighting Acts so far as incorporated with this Act the following provisions shall have effect for the protection and benefit of mines and minerals and of the owners lessees and occupiers thereof and of their successors lessees and assignees

For protection of mineral owners within area of supply.

A.D. 1904. (who are in this section together referred to as "the coal owners")
— (that is to say):—

The coal owners shall not be liable for or be bound to make good any loss or damage which may be occasioned to the Company or to any lands buildings electric cables lines or works of the Company by the working of the mines and minerals within the area of supply now owned leased or worked or which may hereafter be owned leased or worked or acquired by the coal owners respectively in such manner as to let down or otherwise disturb the surface or any works buildings or property of the Company thereon or thereunder.

For protec-
tion of Pio-
neer Electric
Company
Limited.

56.—(1) Nothing in this Act contained shall authorise any interference with any works constructed by the undertakers under the Musselburgh Electric Lighting Order 1900 the Portobello and Musselburgh Tramways Order 1900 and the Portobello and Musselburgh Tramways Order 1903 or any statutory re-enactments or amendments thereof whether by alteration or otherwise except in accordance with the provisions of the said Orders.

(2) The Company shall take all reasonable precautions in constructing placing maintaining and using the works proposed to be executed under the provisions of this Act within the burgh of Musselburgh so as not to injuriously affect the works executed under the provisions of the said Musselburgh Lighting Order and Musselburgh Tramways Orders or the currents therein or the working thereof and the said works shall be constructed and maintained in all respects to the reasonable satisfaction of the said undertakers' engineer. Provided that in this section the expression "the undertakers" shall mean and include any transferees or licencees of the powers contained in the said Musselburgh Lighting Order and Musselburgh Tramways Orders.

If any difference shall arise between the Company and the undertakers respecting any of the matters aforesaid the same shall be determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers whose decision shall be final and binding on both parties.

For protec-
tion of Com-
missioners
of Works.

57. The Company shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of energy from any generating station situate within the

city of Edinburgh or within a distance of four hundred yards from the boundary wall of the Royal Observatory on Blackford Hill Edinburgh or within a distance of four hundred yards from the boundaries of the Abbey Church Haddington unless the site for a generating station or the generating station from which the supply is to be taken is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament. A.D. 1904.

The Company shall not place or lay down any electric mains cables or wires within a distance of four hundred yards from the boundary wall of the Royal Observatory on Blackford Hill Edinburgh without the previous approval of the Commissioners of Works.

58. Notwithstanding anything in this Act contained the following provisions for the protection of the Water of Leith Purification and Sewerage Commissioners (in this section called "the commissioners") shall (unless otherwise agreed between the Company and the commissioners) apply and have effect (that is to say) :— For protection of Water of Leith Purification and Sewerage Commissioners.

- (1) Any electric line which may be laid under the powers of this Act across or under the river called the Water of Leith within the jurisdiction of the commissioners shall be laid on a line and direction and in such way and manner as may be reasonably approved of by the commissioners and so as not to interfere with any of the rights powers and privileges of the commissioners under their statutes relating to the Water of Leith and shall be so laid by and at the expense of the Company at the sight and to the reasonable satisfaction of the engineer of the commissioners and according to plans and sections to be previously submitted to and approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of such plans and sections within one month after the same shall have been submitted to him he shall be deemed to have approved thereof. Provided also that either before or after the electric line has been so laid if and so often as the commissioners shall resolve to execute any new works or to enlarge alter maintain or extend or inspect any existing works of the commissioners the Company shall within three months after such resolution has been intimated to them in writing remove any electric line or other works of the Company so far as such removal

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may be reasonably necessary to enable them to carry out such purposes conveniently and without entailing on the commissioners any additional cost which would not have been incurred if the lines or works of the Company had not been laid :

- (2) Any such electric line and works of the Company shall be laid altered replaced repaired and maintained in such manner that the free and uninterrupted flow of the river shall not in any way be impeded or interfered with and that the water of the river shall not be polluted nor the banks or bed of the river be used for the deposit of spoil or refuse of any kind and all works of the Company and the maintenance and repair of the same shall be effected at the sight and to the reasonable satisfaction of the engineer of the commissioners and in all things at the expense of the Company :
- (3) The commissioners shall so far as in their power and subject to the foregoing provisions give the Company all reasonable facilities for laying repairing maintaining and relaying the electric line including laying a temporary electric line during any operations of the commissioners :
- (4) If in consequence of the laying use altering replacing repairing or maintaining of the electric line and works of the Company or of the failure of the electric line or of the maintenance thereof any damage be caused to the property of the commissioners the Company shall be liable and make reparation therefor :
- (5) The commissioners shall not be liable for any injury done to any electric line or works of the Company nor incur or be under any obligation or responsibility whatever in connexion therewith or in respect of the laying maintaining or using the same whether the commissioners shall have approved of the Company's operations or not their privileges and immunities as to such acts of the Company remaining unaffected to the same extent as if no such electric line and works of the Company had been laid across or under the river :
- (6) If any difference shall at any time arise between the Company and the commissioners or their engineer with respect to any matter referred to in this section such difference shall be determined by an arbiter to be agreed

on or failing agreement to be appointed by the sheriff of the Lothians and Peebles on the application of either the Company or the commissioners. A.D. 1904.
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59. For the protection of the (1) Edinburgh and District Water Trustees (in this section called "the water trustees") (2) Edinburgh and Leith Corporations Gas Commissioners (in this section called "the gas commissioners") and (3) Water of Leith Purification and Sewerage Commissioners (in this section called "the purification commissioners") respectively the following provisions shall unless otherwise agreed between the Company and the water trustees gas commissioners and purification commissioners respectively have effect:—

For protection of
Edinburgh
and District
Water Trustees &c.

- (1) In carrying out any of the works under this Act the Company shall not themselves alter or interfere with the existing mains branch and service pipes or other works of the water trustees the gas commissioners or the purification commissioners respectively or the lines and levels of the same or any apparatus valves accesses or entrances connected therewith nor prevent or injuriously affect or interrupt the flow of water or gas or sewage or other matter as the case may be through the same respectively. But in the event of any alterations or interference with such works aforesaid being required in consequence of any operations of the Company such alterations or interference with such works shall be executed by the authority or authorities to whom such works so to be altered or interfered with may belong and the water trustees the gas commissioners or the purification commissioners as the case may be shall each use every means in its power to have such alterations or interference with its respective works executed as economically as possible and with all reasonable despatch and in such a manner as will enable the Company to carry out its own works most economically and without delay. The cost that may be so incurred of such alterations or interference with such works by the water trustees gas commissioners or purification commissioners as the case may be shall be paid by the Company to such authority incurring the same within three months after a detailed account thereof shall have been rendered to the Company and

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should any dispute arise as to the cost the same shall be determined by arbitration in manner herein-after provided :

(2) In the event of any alterations on or deviations of any such mains or branch or service pipes or other works being necessary by or in consequence of the operations of the Company under this Act whether for more effectually securing and safeguarding the same and the accesses thereto at all times or for the construction of such works as may be required for the protection of their respective undertakings by or in consequence of the execution maintenance and use of any of the works or the exercise of the powers of the Company all such alterations or deviations or protective works shall be executed and completed by the water trustees gas commissioners and purification commissioners respectively as the case may be at the expense of the Company Provided that no such works intended to be executed at the expense of the Company shall be commenced without giving at least fourteen days' written notice or if the circumstances be urgent then such notice as the circumstances permit to the Company with the particulars (including plans and sections) of the work intended and the estimated cost thereof and the same shall be executed as economically as possible and so as to interfere as little as possible with the works of the Company and the Company may elect to vary or alter their works so as to render unnecessary or lessen the proposed operations on the part of the water trustees gas commissioners and purification commissioners and require the intended alterations or deviations to be correspondingly varied :

(3)—(A) Any notice to be given by the water trustees gas commissioners and purification commissioners respectively to the company under subsection (A) of section 17 of the Electric Lighting (Clauses) Act 1899 shall (except in the case of emergency in which case notice shall be given as soon as may be or in the case of the construction of a new or the reconstruction rebuilding or widening of an existing road street or bridge) be given fourteen days before the commencement of the works and subsection (B) of that section shall be read as if one week were mentioned therein instead of three weeks ;

(B) Section 18 of the Electric Lighting (Clauses) Act 1899 shall for the purposes of this section be read as if the words “(other than service lines)” were omitted therefrom : A.D. 1904.

- (4) All additional capital expenditure on works which at any time after the passing of this Act may be reasonably incurred by the water trustees gas commissioners and purification commissioners respectively in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in any road street or bridge within the area of water supply of the water trustees the area of gas supply of the gas commissioners and the jurisdiction of the purification commissioners respectively which but for the passing of this Act and the exercise of the powers conferred upon the Company would not have otherwise arisen shall be borne and paid by the Company :
- (5) The water trustees gas commissioners and purification commissioners respectively shall not be liable for any loss or damage which the Company may sustain by the exercise in a reasonable manner by the water trustees gas commissioners and purification commissioners respectively of any statutory powers possessed by them for the management inspection repair maintenance and renewal of their respective works or conferred by this Act or in connexion with the construction and maintenance at any time of new and additional mains and branch pipes and other works which may be found to be necessary for the purposes of the undertakings respectively of the water trustees gas commissioners and purification commissioners but the provisions of this subsection shall not apply in any case where such damage results from the wilful act or the wilful default or the want of reasonable care on the part of the water trustees gas commissioners and purification commissioners as the case may be :
- (6) The Company shall on being so required free of charge supply to the water trustees gas commissioners and purification commissioners respectively a copy of so much of the map and section to be made as mentioned in section 60 of the schedule to the Electric Lighting (Clauses) Act 1899 as relates to any district in the

A.D. 1904.

Company's area of supply within which are laid down or constructed or are authorised to be laid down or constructed gas and water mains and pipes and sewers and drains and shall once in every year on being so required cause the said copy to be duly corrected to date :

- (7) If any difference shall arise at any time between the Company and the water trustees gas commissioners and purification commissioners or any of them or their respective engineers with respect to any of the matters referred to in or arising out of this section or under the provisions of the Electric Lighting Acts or with respect to the execution of any works such difference shall be referred to an arbiter to be nominated by the sheriff of the Lothians and Peebles on the application of any of the said parties and the decision of such arbiter on any such matter so referred shall be final.

For protection of Caledonian Railway Company.

60. For the protection of the Caledonian Railway Company (herein-after referred to as "the railway company") the following provisions shall unless otherwise agreed apply :—

Where any main of the Company shall pass under or across a railway of the railway company or any bridge or other work in connexion therewith the following provisions for the protection of such railway or bridge or other work shall apply and have effect :—

(1) The whole works connected with such main so far as affecting any railway or bridge or other work shall be executed and thereafter maintained under the superintendence and to the reasonable satisfaction of the engineer of the railway company and according to plans and specifications to be previously submitted to such engineer and approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of such plans and specifications within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :

(2) Such works and any alteration which it may at any time be necessary to make in such works may be executed either by the Company or by the railway company at the option of the engineer of the railway company and in the event of the same being executed by the railway

company the Company shall pay to the railway company the expense thereof: A.D. 1904.

(3) In the event of the Company and the engineer of the railway company differing in opinion in regard to any works affecting the railway or bridge or other work or as to the mode of carrying out such works or otherwise in relation thereto such difference shall on the application of the Company or of the railway company be determined by an engineer to be appointed by the Board of Trade on the application of either party:

(4) In the event of the telegraphic telephonic or electrical signal communications of the railway company being at any time injuriously affected by induction or otherwise from the electric lines of the Company the Company shall be at the expense of such remedial works as may be necessary for the protection of the railway company and in the event of any difference between the Company and the railway company regarding the remedial works so to be adopted such difference shall be determined by an arbiter to be appointed by the Board of Trade on the application of either party:

(5) The Company shall not take or acquire compulsorily any lands of the railway company.

61. For the protection of the North British Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed in writing between the Company and the railway company have effect (that is to say):— For protection of North British Railway Company.

(1) The Company shall not take or acquire compulsorily any lands or property of the railway company forming part of the undertaking of the railway company or any servitude or wayleave in over or under such land or property and no main or other work of the Company shall be carried over under or across any railway canal or property of the railway company except in a roadway suitable for carrying such main or other work and in which it shall be carried in such a way as not to interfere with the operations of the railway company:

(2) The Company shall not in the use construction or maintenance of any of their lands generating stations mains electric lines or other works injure or interfere with the Union Canal or the Leadburn and Dolphinton Branch

A.D. 1904.

Railway of the railway company and in the event of the Company under the provisions of this Act being entitled to carry and carrying any main or other work of the Company over or upon the bridge belonging to the railway company over the Union Canal situated immediately to the east of the Kingsknowe site described in the First Schedule to this Act the provisions of section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be applicable and in the event of the Company acquiring the said Kingsknowe site or any part thereof and erecting thereon a station for generating electrical energy the Company shall be bound to pay to the railway company such proportion of the cost incurred from time to time in maintaining to the reasonable satisfaction of the engineer of the railway company for the time being the said bridge over the Union Canal and the road thereon and approaches thereto from and after the date at which the Company shall begin to make any use of the road upon the said bridge as may be agreed on and failing agreement as may be determined by arbitration as after provided :

- (3) In the event of the telegraphic or telephonic lines or electrical signal communications of the railway company or any of them or the currents therein being at any time injuriously affected by induction or otherwise by reason of the electric lines of the Company the Company shall be at the expense of such alteration of the said telegraphic or telephonic lines or electrical signal communications or remedial works as may be reasonably necessary for the protection of the railway company and in the event of any difference between the Company and the railway company regarding the alterations or remedial works to be adopted such difference shall be determined by an arbiter to be agreed upon or appointed by the Board of Trade on the application of either party :
- (4) If any difference shall arise between the Company and the railway company with regard to the meaning of this section or any matter arising out of the same such difference shall be settled by an arbiter to be agreed on by the parties or failing agreement to be appointed by the Board of Trade as aforesaid.

SUPPLEMENTAL.

A.D. 1904.

62. Subject to the provisions of this Act the Company and the proprietors or trustees of any navigation or any other company or person may enter into and carry into effect contracts agreements and arrangements for and with respect to the supply of water to the Company for condensing and other purposes of their undertaking by any such proprietors trustees company or person Provided that where any generating station is not situated within the assessable area for water supply purposes of any local authority water commissioners or water trustees and the Edinburgh and District Water Trustees are supplying water under statutory authority for trade or domestic purposes within the area within which any such generating station of the Company is situate and are able and willing to supply any water reasonably required by the Company at such generating station at such price as water is being at the time supplied for trade purposes within the district and not being at a higher price than the same can be procured from any other local authority water commissioners or water trustees the Company shall not except with the consent of the said Edinburgh and District Water Trustees use at any generating station water supplied by any other local authority water commissioners or water trustees.

Agreements with regard to supply of water.

63. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

64. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Company under or

As to works across tidal waters.

A.D. 1904. — across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

Saving
rights of
Crown in
foreshore.

65. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Transfer of
undertakings
of local
authorities
and others to
Company.

66.—(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the Company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under any such Provisional Order and any such undertakers to whom a Provisional Order has prior to the date of the passing of this Act been granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company on such terms and conditions as may be agreed upon and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electricity by the Company within the area of supply as defined by such Order Provided that—

(A) In the event of the Company acquiring from any local authority or other undertakers any Provisional Order within the area of supply they shall be allowed to charge for electric energy except for power given under such Order such rates as any such Order prescribes :

(B) In the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith: A.D. 1904.

(c) In the event of any Provisional Order and the undertaking thereby authorised being acquired by the Company under this section the provisions of the Electric Lighting Act 1888 and the Electric Lighting (Clauses) Act 1899 shall subject to any modifications of those Acts made by any such Order apply to that undertaking and where the undertakers are a local authority the undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 provided that the periods at which the local authority may under the provisions of the said section repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company.

(2) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by such authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

67. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of four years from the commencement of this Act or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

Power to
pay interest
out of capital
during con-
struction.

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that one fifth of the share capital authorised by this Act has been actually issued and accepted and is held by shareholders who or whose

A.D. 1904.

executors administrators or assignees are legally liable for the same :

- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed fifteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) The expression "issued and accepted" in subsection (A) of this section shall be deemed to include shares agreed to be taken under contract Nothing in this section shall in any way affect the amounts of or dates of payment in respect of the sums to be paid under any contracts entered into by the Company :
- (E) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares :
- (F) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or any other Order or 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 (Scotland) Act 1845.

Cesser of powers in case of works not being completed.

68. If within two years from the date of the passing of this Act the Company have not substantially commenced their works for the purpose of carrying out their powers under this Act or if within four years after the date of the passing of this Act the Company have not erected a generating station or generating stations

sufficient in the opinion of the Board of Trade and are not in a position to supply therefrom the Board of Trade may order that the powers of the Company under this Act shall cease as to the whole or any portion of the area of supply and on any such order being made these powers shall cease accordingly. A.D. 1904.

69. 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.

70. All costs charges expenses and liabilities of and preliminary to and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the Company. Costs of Act.

A.D. 1904. The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LANDS FOR GENERATING OR POWER STATIONS.

KINGSKNOWE SITE Situated in the parish of Colinton and county of Mid Lothian or county of Edinburgh It comprises the plot or parcel of land 12 acres or thereabouts in extent forming part of Plot No. 438 and part of Plot No. 447 and the private roads forming Nos. 460 and 554 on the 25-inch Ordnance Survey sheet No. III. 13 and 14 Edinburghshire first edition 1895 The site exclusive of the said private roads is bounded on the north by the Union Canal on the south by the main line of the Caledonian Railway on the east by Plots Nos. 452 and 453 on the said Ordnance Survey sheet and on the west by the remaining portion of Plot No. 438 on said Ordnance Survey sheet.

WEST LINTON SITE Situated in the parish of Linton or West Linton and county of Peebles It comprises Plots Nos. 425 and 458 and a portion of Plots Nos. 457 and 667 on the 25-inch Ordnance Survey sheet No. V. 10 and 14 Peeblesshire second edition 1898 and is 19½ acres or thereabouts in extent It is bounded on the north by Plot No. 628 on said last-mentioned Ordnance Survey sheet on the east by the Lyne Water on the west by the main road leading from West Linton to Dolphinton and on the south-east by the Leadburn and Dolphinton Branch of the North British Railway.

AUCHENGRAY SITE Situated in the parish of Carnwath and county of Lanark It comprises Plot No. 1819 and the private road forming part of Plot No. 1793 on the 25-inch Ordnance Survey sheet No. XX. 3 Lanarkshire second edition 1897 and is 22 acres or thereabouts in extent The site exclusive of the said private road is bounded on the north-west by the Dipool Water on the south-east by the Edinburgh Branch Line of the Caledonian Railway on the south-west by the Plot No. 1818 and on the north-east by Plot No. 1821 on the said last-mentioned Ordnance Survey sheet.

THE SECOND SCHEDULE.

A.D. 1904.

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 charges any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :—

- (A) For any quantity not exceeding the equivalent of four hundred hours of supply at the maximum power which has been demanded by him at the rate of threepence per unit ;
- (B) For any further quantity exceeding the equivalent of four hundred hours of supply at such maximum power at the rate of twopence per unit :

And such prices shall include the cost of transforming the energy (if so required by the authority or person supplied) to such pressure and in the case of a supply in bulk to a county authority or local authority to such description of current as such county authority or local authority respectively may reasonably require.

SECTION 2.

Where the Company charges 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 such 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 any regulations made under this Act.

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