



CHAPTER lxxii.

An Act for incorporating and conferring powers on the Wessex Electricity Company and for other purposes. A.D. 1927.
[29th July 1927.]

WHEREAS the provision of a supply of electricity within the area defined by this Act would be of public and local benefit :

And whereas the persons in this Act named with others are willing to construct works for the purposes of such supply and it is expedient that they be incorporated into a company (hereinafter called "the Company") and that powers be conferred on the Company for those purposes and generally for carrying out the objects and provisions of this Act :

And whereas it is expedient that powers be conferred on the Company to make contracts and agreements with local authorities companies and other bodies and persons for the supply of electricity in bulk or otherwise and for other purposes :

And whereas it is expedient that the other powers mentioned in this Act be conferred on the Company and that such other provisions be enacted as are in this Act contained :

And whereas the purposes of this Act 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

[Ch. lxxii.] *Wessex Electricity* [17 & 18 Geo. 5.]
Act, 1927.

A.D. 1927. Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the *Wessex Electricity Act 1927*.

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

Part I.—Preliminary.

Part II.—Financial provisions.

Part III.—Administrative provisions.

Part IV.—Works and supply of electricity.

Part V.—Additional powers.

Part VI.—Protective provisions.

Part VII.—Miscellaneous provisions.

Application of Electricity (Supply) Acts. 3. This Act shall be deemed a special Act within the meaning of the principal Acts and the *Electric Lighting (Clauses) Act 1899* but sections 2 and 3 of the *Electric Lighting Act 1888* shall not apply to the Company or to their undertaking.

Incorporation of Acts. 4. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act are incorporated with and form part of this Act (that is to say) :—

The *Companies Clauses Consolidation 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 ;

The *Lands Clauses Acts* except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement ;

The provisions of the schedule to the *Electric Lighting (Clauses) Act 1899* as amended by subsequent Acts except subsection (2) of section

2 sections 3 to 5 7 to 9 21 to 29 30 (so far as regards a supply to authorised undertakers) 31 to 37 41 to 60 63 to 68 subsection (3) of section 69 sections 75 78 83 and 84 which excepted provisions shall not apply to the Company or their undertaking save so far as is otherwise expressly provided in this Act : A.D. 1927.

Provided that the expression "electric supply company" in section 18 of the said schedule as so incorporated shall include any local authority supplying or using electricity for any purpose and that section shall for the purposes of this Act be read and apply accordingly.

5. In this Act the several words terms and expressions to which by the principal Acts or the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to that construction And— Interpretation.

- "The Company" means the Company incorporated by this Act;
- "The area of supply" means the area defined in the section of this Act of which the marginal note is "Area of supply";
- "The undertaking" means the undertaking of the Company as existing from time to time;
- "The principal Acts" means the Electricity (Supply) Acts 1882 to 1926 or any one or more of those Acts;
- "The Minister" means the Minister of Transport;
- "Authorised to supply electricity" means authorised by Act of Parliament licence Provisional Order confirmed by Parliament or Special or other Order to supply electricity;
- "Authorised distributors" means any local authority company body or person authorised to supply electricity within any part of the area of supply;
- "Authorised undertakers" means authorised distributors and any authority authorised by any Act of Parliament licence Provisional Order confirmed by Parliament or Special or other Order to undertake or contract for the lighting

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of streets bridges or public places within any part of the area of supply ;

“ A supply of electricity for power ” means and includes a supply of electricity for any purpose other than a supply in bulk and a supply for lighting or general domestic purposes (including office purposes) ;

“ Railway company ” and “ railway ” have the same meaning as in the Regulation of Railways Act 1873.

Company
incor-
porated.

6. Sir Philip Dawson Sir James Lyne Devonshire George Ingleton Phillips Frederick Massingberd Rogers George Cecil Hans Hamilton Harold William Couzens James Herbert Edwards the Honourable Francis Nathaniel Curzon Henry Charles Hambro and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of the Wessex Electricity 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 land and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

General
purposes of
Company.

7. The Company shall be established for the purpose of producing generating using and supplying electricity and of constructing erecting laying down maintaining working and using electricity generating stations engines dynamos mains pipes and other works for the said purposes or any of them and generally for the purpose of carrying out the powers and purposes of this Act and the Company may subject to the provisions of this Act erect lay down maintain work and use such stations and works and produce generate use transform transmit distribute and supply electricity accordingly The powers of the Company shall also include the acquisition construction maintenance working and user or discontinuance sale letting and disposal of all such lands easements buildings works machinery plant fittings apparatus materials matters and things and the exercise

of such powers and the construction and doing of such works and things as may be necessary or convenient in for or in connection with or arise or be used in the production generation use transformation transmission distribution and supply of electricity and shall include all necessary powers for providing or working materials matters and things for those purposes or any of them or for otherwise carrying on the undertaking. A.D. 1927.

PART II.

FINANCIAL PROVISIONS.

8. The capital of the Company shall be seven hundred and fifty thousand pounds The Company may raise any capital which they may from time to time be authorised to raise by the creation and issue at their option of shares or stock either ordinary or preference and either of one class with like privileges or of several classes and with different privileges and of the same or different amounts and respectively with any fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest or wholly or partially by one or more of those modes respectively Provided always that the Company shall not issue any share of less nominal value than one pound 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 or deemed to have been paid in respect thereof. Capital.

9. The Electricity Commissioners may at any time after the expiration of seven years from the date of the passing of this Act by a Special Order under section 26 of the Electricity (Supply) Act 1919 make provision as to the relation between the charges to be made by the Company for electricity supplied under this Act and the divisible profits on the capital of the Company and subsection (1) of section 32 of the Electricity (Supply) Act 1926 shall accordingly apply and have effect as if the Company were a company with respect to which the Commissioners are by that subsection empowered to make such a Special Order. Electricity Commissioners may make Special Order providing for relation between charges and dividends.

10. The Company may raise for the purposes of this Act at their option either by borrowing on borrow. Power to borrow.

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mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any of those modes any sum or sums not exceeding in the whole one half of any capital for the time being issued by the Company under the provisions of the section of this Act of which the marginal note is "Capital" In addition to exercising the before-mentioned powers of this section the Company may with the consent of the Electricity Commissioners (which consent the said Commissioners are hereby authorised to give) raise for the purposes aforesaid wholly or partially by any of the said modes any further sum or sums not exceeding in the whole one half of the capital for the time being issued by the Company under the provisions of the said section :

Provided that no part of any such sum or sums shall be so raised until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of the capital in respect of which the power to raise the same is to be exercised has been issued and accepted and that one half thereof has been paid up and as regards any shares issued by the Company (other than shares issued as fully paid up under the section of this Act of which the marginal note is "Transfer of undertakings of other undertakers to Company") that not less than one-fifth part of the amount of each separate share in such portion of capital as is issued in shares has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bona fide and is held by the persons to whom the same was issued or their personal representatives successors or assigns and that such persons their personal representatives successors or assigns are legally liable for the same 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 shall be sufficient evidence thereof.

For appoint-
ment of
receiver.

11. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a receiver 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 ten thousand pounds in the whole. A.D. 1927.

12. 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 debentures and mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts or resolutions by which the stock debentures and mortgages were authorised) and shall have priority over all principal moneys secured by such stock debentures and mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages debentures and certificates of debenture stock. Debenture stock.

13.—(1) The Company may issue as redeemable preference shares or stock or redeemable debentures or debenture stock any preference shares or stock or debentures or debenture stock which the Company are authorised by this Act to create and issue provided that the resolution authorising the creation or issue of such redeemable preference shares or stock debentures or debenture stock (hereinafter in this section referred to as "redeemable securities") shall specify the terms and conditions on which such redeemable shares or stock shall be redeemed. Redeemable securities.

(2) If it is so provided in the resolution under which redeemable securities are created or issued the Company may—

- (a) call in and pay off the redeemable securities or any part thereof at any time before the fixed date of redemption; and
- (b) redeem the redeemable securities or any part thereof either by paying off the securities or by issuing to any holder of the redeemable securities subject to his consent other securities in substitution therefor.

(3) For the purpose of providing money for paying off the redeemable securities or of providing substituted

A.D. 1927. securities the Company may create and issue new securities (either redeemable or irredeemable) or re-issue redeemable securities originally created and issued under this section. Provided that the creation and issue for that purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are for the time being authorised to issue except during the necessary interval between the creation and issue of the new capital and the redemption of the old capital.

Company may incur temporary loans.

14.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising moneys conferred by this section shall be in addition to any powers for the time being of the Company to borrow on debenture or mortgage of the undertaking or to raise moneys by the issue of debenture stock. Provided that the aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed two hundred and fifty thousand pounds.

Application of moneys.

15. Subject to the provisions of this Act all moneys raised under this Act whether by shares stock debentures debenture stock or borrowing shall be applied only to purposes to which capital is properly applicable.

As to disposal of shares or stock.

16. The Company may in issuing any portion of the capital or any securities authorised by this Act dispose of all or any of the shares or stock representing such capital or such securities at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

Power to pay commissions.

17. The Company on any offer to the public of shares stock debentures or debenture stock or other securities which the Company may at any time be authorised to issue may pay a commission not exceeding seven and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for such shares stock debentures debenture stock or securities or procuring or agreeing to

procure subscriptions therefor whether absolute or conditional if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are disclosed in the prospectus advertisement or other document of the Company inviting subscriptions or offers for such shares stock debentures debenture stock or securities Nothing in this section shall affect any power of the Company to pay brokerage.

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18.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the Company and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

Purchase and cancellation of Company's securities.

(2) Any debentures or debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished and the amount of any debentures or debenture stock so cancelled or extinguished shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to re-borrowing by the Company shall apply accordingly.

19. Notwithstanding anything in this Act or any Act incorporated therewith the Company may out of any money which they are by this Act authorised to raise pay and charge to capital account interest at such rate not exceeding (except with the consent of the Electricity Commissioners which consent such Commissioners are hereby authorised to give) six per centum per annum as the directors may determine to any shareholder (which expression in this section includes stockholder) on the amount from time to time paid up on the shares (which expression in this section includes any stock other than debenture stock) held by him from the respective times of such payments until the expiration of five years from the passing of this Act or for such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

Payment of interest out of capital.

- (a) 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;
- (b) The aggregate amount to be so paid for interest shall not exceed one-fifth of the capital for the

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time being issued and paid up and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company may be exercised;

- (c) Notice that the Company have 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 and in every certificate of shares which may be issued by or on behalf of the Company during any period during which such interest shall be paid;
- (d) The 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 hereinbefore set forth and except as may be otherwise expressly provided by this Act no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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 out
of capital
on borrowed
money.

20. The Company may charge to capital account the interest accruing during the period of five years from the passing of this Act or such less period as the directors may determine on all or any moneys borrowed on mortgage or debenture or temporary loan or raised by the issue of debenture stock notes or bonds under the powers of this Act for the purpose of providing funds for the purposes to or on which capital may under the provisions of this Act be applied or expended.

Subscription
for shares
or loans
in other
under-
takings.

21. The Company may subscribe for purchase hold and dispose of shares stock or securities in any company taking or agreeing to take a supply of electricity from the Company or who are establishing or about to establish factories or other works or who are or may be authorised to supply electricity in any area within or contiguous to the area of supply for the time being of the Company or to any company making producing or

dealing in electrical plant or appliances or other articles used in or in connection with the generation distribution or use of electricity and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply from the Company or making producing or dealing in such plant appliances or articles : A.D. 1927.
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Provided that the amount so subscribed and lent by the Company under this section shall not at any time exceed three hundred thousand pounds.

PART III.

ADMINISTRATIVE PROVISIONS.

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

23. The ordinary meeting of the Company shall be held in each year at such time and place as the directors may from time to time appoint. Annual
meeting of
Company.

24. Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been sent by post it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed. Notice of
meetings.

25.—(1) At all general meetings of the Company whether ordinary or extraordinary every holder of ordinary shares or stock and of any preference shares or stock to which voting rights are attached by the resolution creating such preference shares or stock shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each one pound in the nominal value of the shares or stock held by him Provided always that no shareholder or stockholder shall be entitled to vote at any meeting in respect of any share or stock on which any call remains unpaid. Voting and
quorum.

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(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

(3) For the purpose of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be seven holders of shares or stock.

Appoint-
ment of
proxies.

26. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any holder of shares or stock of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the holder and for that purpose may execute on behalf of the holder the necessary form of proxy. Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

27. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share or stock of the Company any one of those persons may vote at any meeting either personally or by proxy in respect of the share or stock as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share or stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

Directors.

28.—(1) The number of directors shall be eight but the Company may vary the number. Provided that the number shall not at any time be more than ten or less than six.

(2) The qualification of a director shall be the possession in his own right of any shares or stock or shares and stock (not being debenture stock) in the capital of the Company of a total nominal amount of not less than two hundred and fifty pounds.

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(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

(4) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company not less than three clear days before the day of election.

(5) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that if he is or becomes interested in any contract with the Company (whether such interest shall arise before or after his appointment as a director) the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

29. Sir Philip Dawson George Ingleton Phillips
Frédéric Massingberd Rogers George Cecil Hans Hamilton
Harold William Couzens James Herbert Edwards the
Honourable Francis Nathaniel Curzon and Henry Charles
Hambro 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 pro-
prietors of the Company present in person or by proxy
may either continue in office the directors appointed
by this Act or any of them or may elect a new body of

First
directors.

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directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election At the first ordinary meeting to be held in every year after the first ordinary meeting the proprietors of the Company present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office in accordance with the provisions of the Companies Clauses Consolidation Act 1845 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 duly elected in their stead.

Continuing
directors.

30. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors shall be less than the minimum number prescribed by this Act the directors shall not act as such except for the purpose of filling vacancies among the directors and allotting shares to any proposed director or directors.

Managing
directors.

31.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director while holding that office shall not be subject to retirement by rotation nor be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) Subject to any directions which may be given in general meeting the remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

32. If and so long as the ordinary meetings of the Company shall be held once only in each year the following provisions shall have effect :—

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Interim
dividends
and annual
accounts.

(a) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting ;

(b) The Company and the directors shall not be required to make up a half-yearly balance sheet and accounts and the balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

33.—(1) The directors may close the register of transfers of shares or stock for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and they may fix a day for closing any such register of which day seven days' notice shall be given either by circular to each holder of shares or stock or of mortgages debentures or debenture stock (as the case may require) or by advertisement in a newspaper published in the county of London.

Closing of
transfer
books.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

34. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary to authenticate the register of the shareholders or stockholders of the Company by affixing the common seal of the Company to the register.

As to
share-
holders'
register.

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As to
contracts.

35. Notwithstanding anything in any Act relating to the Company any contract required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

Auditors.

36.—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Electricity Commissioners to be the auditor or auditors of the Company.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company not less than three clear days before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such three days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

Remunera-
tion of
secretary
and
auditors.

37. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors.

Power to
grant
pensions
&c.

38.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any officer or servant of the Company or to the widow family or any dependent of any such officer or servant.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such officer

servant widow family or dependent such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the funds and revenues of the Company. A.D. 1927.

39.—(1) The directors may prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in the scheme or schemes to participate in the profits of the Company or of any part of those profits as part of the terms of remuneration for the services of any such employee : Profit sharing.

Provided that no such modification alteration or rescission of any such scheme or schemes shall have any retrospective effect so as to deprive any employee without his consent of any benefit accrued due to him under such scheme prior to the date of such modification alteration or rescission.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything in any Act relating to the Company the directors may if and whenever requested by any persons being the trustees under any such scheme so to do issue to any employee such number of ordinary shares or such amount of ordinary stock (not being less than five pounds nor including a fraction of one pound) as the trustees may specify within the limit of the amount of ordinary capital which the Company may for the time being be authorised to issue Provided that any ordinary shares or stock issued under the provisions of this section shall be issued at the market price of the same class of shares or stock at the date of issue or if there be no such market price at such price as shall be determined by the Company's auditors to be a fair price.

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(4) The directors may also as part of any such scheme accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

PART IV.

WORKS AND SUPPLY OF ELECTRICITY.

Area of
supply.

40. The area within which the Company may supply electricity shall be—

The administrative county of Oxford The whole county except the boroughs of Banbury and Henley-on-Thames the urban district of Thame the rural district of Banbury the parishes of Kingsey Ermington and Chinnor in the rural district of Thame the parishes of Badgemore Rotherfield Greys Rotherfield Peppard Harpsden Shiplake Eye and Dunsden Liberty and Kidmore End in the rural district of Henley and the parishes of Mapledurham and Whitchurch in the rural district of Goring;

In the administrative county of Bucks The parishes of Radnadge Stokenchurch Ibstone Turville Fingest and Great Marlow in the rural district of Wycombe and the parishes of Fawley Hambleton and Medmenham in the rural district of Hambleton;

The administrative county of Berks The whole county except the parishes of Pangbourne Tilehurst and Theale in the rural district of Bradfield and so much of the county as lies to the east of the remainder of that district;

In the administrative county of Southampton The borough of Andover the rural districts of Kingsclere Whitchurch and Andover and the rural district of Basingstoke except the parishes of Sherborne St. John Basing Newnham and Nateley Scures;

The administrative county of Wilts The whole county except the city of New Sarum the boroughs of Swindon and Wilton the rural districts of Mere Tisbury Wilton and Salisbury

and the parish of Rodbourne Cheney in the rural district of Highworth; A.D. 1927.

In the administrative county of Gloucester The urban districts of Tetbury and Cirencester the rural districts of Tetbury Cirencester and North-leach and the parishes of Great Barrington Little Barrington Great Rissington Little Rissington Clapton Bourton on the Water Wyck Rissington Westcote Icomb Church Icomb and Bleddington in the rural district of Stow-on-the-Wold.

The Company shall within two months after the passing of this Act deposit at the office of the Electricity Commissioners an Ordnance map on a scale of not less than one inch to the mile showing the area of supply and the map shall be signed by the secretary to the Electricity Commissioners.

41.—(1) Subject to the provisions of this Act any electric lines laid or placed in or along any street by the Company under this Act shall be laid or placed in such line or route and in such manner as may be agreed between the Company on the one hand and the local authority and (as respects any main road or any county or main road bridge) the county council by or at whose expense such road or bridge is repairable on the other hand or as failing agreement shall be settled by the Minister and the Company shall show on the plan of the works to be delivered to the road authority in accordance with the section of this Act of which the marginal note is "For protection of road authorities" the route proposed to be taken and the manner in which the electric lines are to be laid or placed and if the road authority are not the local authority the Company shall also deliver a copy of the said plan to the local authority: As to route.

Provided that where the local authority or county council object to any proposed line or route on the ground that it would traverse a principal thoroughfare or busy street or be otherwise inconvenient and indicate an alternative route or deviation within the district of the local authority which the Company are willing to adopt or which in the opinion of the Minister is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

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

Map of
electric
lines.

42. The Company shall cause a map to be made showing the line and depth below the surface of the ground of all electric lines laid underground under the powers of this Act and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Company shall also if so required by the Electricity Commissioners or the Postmaster-General cause to be made sections showing the level of all such electric lines. The said map and sections shall be made on such scale or scales as the Electricity Commissioners shall prescribe. Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map sections or copy and such further fee as they may prescribe not exceeding five shillings for each copy of the same or of any part thereof taken by such applicant.

The Company shall if so required by the Electricity Commissioners or the Postmaster-General or by the local authority of any borough or district wholly or partly situate within the area of supply supply to them or him a copy of such map or sections or if the request is from a local authority a copy of so much of the map or sections as relates to the district of the authority and when so required cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

If the Company fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a

penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds for each day on which such offence is continued after conviction therefor. A.D. 1927.

43.—(1) The Company may on the application of the owner or occupier of any premises within the area of supply abutting on or being erected in any street laid out but not dedicated to public use or if so dedicated not repairable by the inhabitants at large erect and lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for supplying electricity for any purpose for which they are authorised to supply electricity to such owner or occupier and the provisions of the section of this Act of which the marginal note is “For protection of road authorities” and (subject thereto) of the principal Acts and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for such purposes and to any works constructed or executed by the Company under the powers of this section.

Laying
mains in
private
streets.

(2) The Company shall not exercise their powers under this section with respect to any street or road belonging to a railway company or forming the approach to any station or depôt of such railway company except with the consent of such railway company which consent shall not be unreasonably withheld and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

44. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to any tramways or railways within the area of supply as if the Company were specially authorised to break up or interfere with the same by special powers inserted in this Act.

As to
railways
and tram-
ways.

45. The provisions of this Act and the Acts incorporated therewith shall so far as applicable to the purposes of this section and subject to the necessary modifications apply to the construction laying down erection and maintenance in any streets or roads in the area of supply of any telephone or telegraph posts wires conductors or apparatus which the Company may and which they are

Power to
erect tele-
phones &c.

A.D. 1927. hereby authorised to erect or lay down for the purposes of the undertaking but no posts shall be erected under this section in any street or road without the consent of the local authority which consent shall not be unreasonably withheld and any question whether or not any such consent has been unreasonably withheld shall be determined by the Electricity Commissioners :

Provided that the Company shall not exercise the powers of this section in through across or under any road bridge or approach of a railway company except with the consent in writing of such company (which consent shall not be unreasonably withheld) and under the superintendence if given and to the reasonable satisfaction of the principal engineer of such company and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said principal engineer are reasonable or otherwise such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Principal powers of supply:

46.—(1) Subject to the limitations stated in the next following section of this Act and subject to the other provisions of this Act the Company may supply electricity—

- (a) in bulk to any authorised undertakers;
- (b) for power to any person (other than an authorised undertaker) within the area of supply;
- (c) for lighting or general domestic purposes (including office purposes) to any person (other than an authorised undertaker) in any part of the area of supply which at the date of the passing of this Act does not form part of the area of supply of any authorised distributors.

(2) Electricity supplied by the Company at any point within the area of supply in bulk to any authorised distributors may be used for any purposes of any electricity undertaking of such distributors whether within or without such area.

(3) Electricity supplied by the Company at any point within the area of supply for power to the owners or lessees of any railway tramway dock harbour or canal undertaking which is partly within and partly without the area of supply may be used for any of the following

purposes on any part of such undertaking whether within or without the area of supply (namely) :— A.D. 1927.

- (a) for haulage or traction;
- (b) for lighting vehicles or vessels used on any part of the undertaking; and
- (c) for any purposes for which the Company are for the time being authorised to give a supply of electricity to such owners or lessees under section 47 of the Electricity (Supply) Act 1926;

but nothing in this subsection shall authorise electricity to be used for the purposes of haulage or traction on any railway unless the company body or person owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament to use electricity for those purposes.

(4) Electricity supplied by the Company at any point within the area of supply for power to any person (other than the owners or lessees of a railway tramway dock harbour or canal undertaking) may be used for lighting any premises on any part of which the power is utilised.

47.—(1) The Company shall not supply electricity for power under paragraph (b) of subsection (1) of the immediately preceding section of this Act (except to the owners or lessees of a railway tramway dock harbour or canal undertaking for any of the purposes mentioned in subsection (3) of the immediately preceding section of this Act) in any place 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. Limitation on powers of supply.

(2) If at any time after the passing of this Act any local authority company or person become authorised distributors in any area within the area of supply the Company shall not thereafter supply electricity in that area for lighting or general domestic purposes (including office purposes) under paragraph (c) of subsection (1) of the immediately preceding section of this Act except to the authorised distributors for the area. Provided that—

- (i) electricity supplied by the Company to any person in the area for power under paragraph (b)

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—

of subsection (1) aforesaid may be used by such person for lighting any premises on any part of which the power is utilised; and

- (ii) if at the date when the said local authority company or person become authorised distributors within the area the Company are supplying to the owner or occupier of any premises in the area electricity for lighting and general domestic purposes (including office purposes) by means of works and apparatus not used for the supply of electricity for other purposes the Company may continue to supply electricity to such owner or occupier for the first-mentioned purposes unless and until the authorised distributors shall acquire such works and apparatus from the Company on such terms as may be agreed between the Company and the said local authority company or person or settled by arbitration under section 28 of the Electric Lighting Act 1882.

Supply to
authorised
undertakers.

48. The Company shall upon being required to do so by any authorised undertakers give and continue to give at such point or points within the area of supply as the authorised undertakers may reasonably require a supply of electricity in bulk at rates not exceeding those stated in Section I of the schedule to this Act and shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such authorised undertakers at such point or points the maximum power with which such authorised undertakers may be entitled to be supplied under this Act subject to the conditions following (that is to say):—

Any such authorised undertakers requiring a supply of electricity shall—

- (a) serve a notice upon the Company specifying the point or points at which such electricity is required to be supplied and the maximum power required to be supplied and the day on 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 point or points at which such supply is

required to be given and to the length of electric line required to be laid and plant required to be provided for affording such supply); and A.D. 1927.

(b) enter into a written contract with the Company (if required by them so to do) to receive and to continue to receive and pay for a supply of electricity 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 per centum per annum on the outlay incurred by the Company in making provision for such supply :

Provided that any authorised undertakers so requiring a supply of electricity shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract :

Provided further that the Company shall grant to any authorised undertakers as favourable terms and conditions for the supply of electricity as those granted by the Company to any other authorised undertakers whose circumstances are similar.

Any difference which arises under this section shall be determined by arbitration.

49. The Company shall (subject to the provisions of subsection (1) of the section of this Act of which the marginal note is "Limitation on powers of supply") give a supply of electricity for power to any person within the area of supply (except authorised undertakers or the owners or lessees of a railway tramway dock harbour or canal undertaking) on that person entering into a binding contract to receive and to continue to receive and pay for a supply of electricity upon such terms and conditions as failing agreement shall be fixed by the Electricity Commissioners and in fixing such terms and conditions (including a minimum annual sum to be paid to the Company) the Electricity Commissioners shall have regard to the following amongst other considerations :—

Supply to other than authorised undertakers.

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take such electricity;

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- (2) The amount of electricity and the maximum power required;
- (3) The hours during which the Company can be called upon to give the supply;
- (4) The capital expenditure in connection with the supply;
- (5) How far capital expended in connection with the supply may become unproductive to the Company on the discontinuance of the supply:

Provided that any person so requiring a supply of electricity shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract.

Liability
for failure
to supply.

50. Whenever the Company make default in supplying electricity to any authorised undertakers to whom they may be required to supply electricity in accordance with the provisions of this Act they shall be liable to those undertakers in the same penalties as those for which the undertakers are liable under the provisions of their Acts or Orders and the amount of any penalty to be paid by the Company in the case of any such default shall not exceed the amount of any statutory penalties which have been found due and paid by such undertakers in consequence of the default and such undertakers shall have no claim against the Company if the default of the Company arises by reason of accidents which could not have been avoided by reasonable foresight or care or by reason of fire flood storm tempest breakdown of machinery or other casualty or force majeure or labour disputes whether between employers and workmen or otherwise or any other cause for which the Company cannot reasonably be held to be responsible or if the default is of so slight or unimportant a character as not materially to affect the value of the supply.

Proposals
for develop-
ment of
supply.

51.—(1) The Company shall within one year from the passing of this Act and within each succeeding period of three years or at such other times as the Electricity Commissioners may require submit to the Commissioners proposals for the development of the supply of electricity for lighting and general domestic purposes (including

office purposes) in those parts of the area of supply where— A.D. 1927.

- (a) there is a demand for a supply of electricity for those purposes; and
- (b) there is a reasonable prospect of such a supply being remunerative; and
- (c) there are no other authorised distributors empowered to provide a supply for those purposes.

(2) The Company shall when submitting any proposals to the Commissioners under subsection (1) of this section serve a copy thereof on every local authority whose district or any part of whose district is situate in the area to which the proposals relate and any such local authority shall be entitled to make to the Commissioners representations on the proposals within thirty days from such service.

(3) Any proposals submitted by the Company under subsection (1) of this section shall be subject to such modifications as the Commissioners may require and after considering such proposals and any representations of any such local authority the Commissioners may by order declare that the whole or any part of the area to which the proposals relate shall be an area in which the Company shall within two years from the date prescribed by the order lay down distributing mains in the streets specified therein and be subject to all the obligations of the schedule to the Electric Lighting (Clauses) Act 1899 except sections 4 (3) 23 31 to 33 63 to 68 78 83 and 84 of that schedule and the provisions of the said schedule (except as aforesaid) shall be deemed to be incorporated with and form part of the order as if the order were a Special Order made under section 26 of the Electricity (Supply) Act 1919.

For the purposes of such incorporation the following expressions where used in the said provisions shall have the following respective meanings (namely) :—

- “ the undertakers ” shall mean the Company ;
- “ the Special Order ” shall mean the said order of the Commissioners ;
- “ the area of supply ” shall mean the area named in the order ;

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“ the commencement of the Special Order ” shall mean such date as may be prescribed by the Commissioners in the order;

“ general supply ” shall mean a general supply for lighting and general domestic purposes (including office purposes);

“ a supply of energy ” and any like expression shall mean a supply of electricity for lighting and general domestic purposes (including office purposes).

(4) The provisions of the sections of this Act of which the marginal notes respectively are “ Limitation on demand for maximum power ” and “ Inspectors ” shall not apply to a supply of electricity for lighting and general domestic purposes (including office purposes) in the area specified in any order made by the Commissioners under subsection (3) of this section or to any mains used exclusively for the purposes of giving such a supply.

(5) If the Company make default in laying down any distributing mains in accordance with the provisions of any order made by the Commissioners under subsection (3) of this section they shall be liable for each default to a penalty not exceeding five pounds for each day during which the default continues and if the Minister is of opinion in any case that the default is wilful and unreasonably prolonged he may after considering any representations of the local authority concerned revoke the powers of the Company to supply electricity for lighting and general domestic purposes (including office purposes) in the area specified in the order or any part thereof.

Notice of
discon-
tinuance
of supply.

52.—(1) Any authorised undertakers company body or person supplied with electricity by the Company under this Act who desire or desires that the Company shall cease to give to them or him such supply shall give to the Company in the case of a supply for lighting or general domestic purposes (including office purposes) one month's notice in writing expiring on one of the usual quarter days and in all other cases twelve months' notice in writing so expiring to cease giving such supply. Such notice shall not be given so as to expire before the end of the period for which the authorised

undertakers company body or person giving the notice have contracted to receive and pay for the supply. A.D. 1927.

(2) No such notice shall be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Company or be given by the consumer personally at the head office or any recognised local office of the Company. Notice of the effect of this subsection shall be endorsed upon any demand note of the Company for charges for electricity.

53. If any authorised undertakers company body or person uses or deals with the electricity supplied to them or him by the Company in such manner as to interfere unduly or improperly with the efficient supply of electricity to any other authorised undertakers company body or person by the Company the Company may if they think fit cease to supply electricity to the first-mentioned authorised undertakers company body or person. For prevention of improper use.

54. The maximum power with which any authorised undertakers company body or person shall be entitled to be supplied shall be of such amount as they or he may require to be supplied with not exceeding what may be reasonably anticipated as their or his maximum consumption. Limitation on demand for maximum power.

If any difference arises between any such undertakers company body or person and the Company as to what may be reasonably anticipated as their or his maximum consumption the difference shall be determined by arbitration.

55.—(1) Subject to the provisions of this Act the rates to be charged by the Company for electricity supplied by them under the powers of this Act shall not exceed those respectively stated in that behalf in the schedule to this Act: Stated prices.

Provided that any consumer taking a supply for lighting or general domestic purposes (including office purposes) and not being a consumer taking a supply of electricity in bulk or for power shall be entitled to be charged according to such one of the methods of charge referred to in Section II of the said schedule as he may elect. Provided also that any such consumer

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who has elected to be or is being charged according to one of the said methods of charge and who desires to be charged according to another of such methods shall not be entitled to be so charged unless he shall have intimated such desire to the Company by not less than three months' notice in writing expiring at the end of one of the quarters mentioned in paragraph (2) of the said Section II.

(2) Nothing in this Act or in the principal Acts shall prevent the Company from making any agreements as provided by this Act and at such prices and on such terms and conditions as may be agreed.

Separate
meters in
certain
cases.

56. If electricity supplied by the Company to any consumer (other than authorised distributors) is used partly for the purposes mentioned in Section II of the schedule to this Act or any of them and partly for other purposes the Company may require that the electricity used for such first-mentioned purposes or any of them shall be measured by a separate meter and paid for as electricity to which the said Section II applies.

Revision
of prices.

57. The local authority of any district wholly or partly within the area of supply or any authorised undertakers supplied by the Company or such number of consumers in any such district not being less than twenty as the Minister considers sufficient having regard to the population of the district or the Company may at any time after the expiration of three years after the passing of this Act make a representation to the Minister that the rates or methods of charge for a supply of electricity authorised by this Act ought to be altered as regards such district or undertakers and on any such representation being made the Minister after such inquiry as he may think fit may make an order varying such rates or methods of charge or substituting other rates or methods of charge and the rates or methods of charge so varied or substituted shall as regards such district or undertakers have effect on and after such day as may be mentioned in the order as if they had been stated in this Act. Provided that the rates and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered :

Provided also that the rates and methods of charge for a supply of electricity for lighting and general domestic purposes within the area specified in any order made by the Electricity Commissioners under subsection (3) of the section of this Act of which the marginal note is "Proposals for development of supply" shall not be altered under this section before the expiration of three years from the date prescribed by the Commissioners in the order. A.D. 1927.
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58. The Company on the one hand and any local authority company body or person authorised to supply electricity within the area of supply for the time being of the Company or within any area adjoining the area of supply for the time being of the Company on the other hand may enter into and carry into effect agreements for the supply of electricity in bulk by or to the Company to or by such authority company body or person and the provisions of the respective Acts and Orders under which such authority company body or person may be empowered to supply electricity shall so far as applicable have effect within the area of supply of such authority company body or person for the purposes of a supply to be afforded under this section: Bulk supplies.

Provided that except with the approval of the Electricity Commissioners (which approval the Commissioners are hereby authorised to give) no agreement shall be entered into under this section—

- (a) with any authority company body or person not authorised to supply electricity within the area of supply for the time being of the Company; or
- (b) with any authority company body or person authorised to supply electricity within the area of supply for the time being of the Company if the agreement is for the supply of electricity in bulk to the Company for a period extending beyond or commencing after the expiration of seven years from the passing of this Act.

59. Notwithstanding anything in the principal Acts or this Act the Company on the one hand and any authority company body or person (other than any Agreements for supply of electricity.

A.D. 1927. — authorised distributors) to whom the Company are under this Act authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Company to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly Provided that the Company shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Supply of electricity by agreement.

60. A consumer (other than any authorised undertakers) supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply electricity within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Company under such agreement unless the provisions of that section are expressly excluded from application in the agreement If the Company fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company.

Agreements for exercise of works &c.

61. The Company on the one hand and any authorised undertakers or any company body or person to whom the Company are entitled to give a supply of electricity on the other hand may enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down maintenance or repair by any such undertakers company body or person on behalf of the Company or by the Company on behalf of any such undertakers company body or person of electric lines or other works or apparatus connected therewith for the supply or use of electricity or the exercise by either party to any such contract agreement or arrangement of any powers of the other of them in reference to the matters aforesaid Provided that the execution or exercise of any such works or powers shall be subject to any statutory provisions or regulations which would have related to the execution

or exercise thereof by such undertakers company body or person or by the Company as the case may be. A.D. 1927.

62. The Company on the one hand and any Government department or person interested in any river stream canal or navigation within the area of supply or any of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down alteration maintenance repair and use of electric lines pipes works appliances and apparatus for the purposes of this Act on the bed banks and foreshore of any such river stream canal or navigation. Agreements with Government departments and others.

63. The Company on the one hand and any railway company whose railway or any part thereof is situate within the area of supply on the other hand may enter into and carry into effect agreements for and in relation to the construction laying down alteration maintenance repair and use of works and electric lines for the purposes of this Act upon across or affecting railways bridges or other property of any such railway company. Agreements with railway companies for works.

PART V.

ADDITIONAL POWERS.

64. The Company may for the general purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold any lands and hereditaments within the area of supply not exceeding (except with the consent of the Electricity Commissioners which consent such Commissioners are hereby authorised to give) two hundred acres which the Company may from time to time require for any of the purposes of this Act or of the undertaking but the Company shall not create or permit a nuisance on any such lands: Lands by agreement.

Provided that the Company shall not (save so far as they may be authorised so to do by competent authority) erect any station for generating electricity on any lands acquired under this Act.

65. The Company may erect and maintain upon the lands for the time being belonging to or held on lease by them or as to which they may have acquired Dwelling-houses for employees.

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any right or permission so to do and may acquire and hold cottages or dwelling-houses for their officers and servants and other buildings in connection with or for the purposes of the undertaking.

Persons under disability may grant easements &c.

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

Company may dispose of lands not required.

67. Notwithstanding any provisions of the Lands Clauses Acts the Company may sell grant or lease for such periods and for such consideration as they think fit any lands houses and property for the time being belonging to them which they do not require for the purposes of the undertaking or any interest right or easement therein.

As to application for Special and other Orders.

68. The Company may apply for Special or other Orders under the principal Acts or under any Act extending or amending those Acts or any of them.

Transfer of undertakings of other undertakers to Company.

69.—(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional or Special or other Order under the principal Acts shall have been or may be granted relating to a district or place within or partly within or adjoining the area of supply or any area of supply in which the Company are giving or are authorised to give a supply of electricity the undertaking authorised by such Order and the powers rights authorities and privileges of the undertakers thereunder and the undertakers under any such Order which shall have been confirmed or approved by Parliament prior to the passing of this Act may with the approval of the Electricity Commissioners by deed approved by the Commissioners (which approval the Commissioners are hereby authorised to give) transfer such undertaking powers rights authorities and privileges to the Company subject to such

exceptions and modifications (if any) and on such terms and conditions as may be specified in the deed and if the Company so acquire any such undertaking they shall (subject to such modifications and exceptions as aforesaid) be deemed to be the undertakers for all the purposes of the Provisional or Special or other Order the powers of which are so transferred Provided that—

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- (a) In the case of any Provisional Order granted prior to the year nineteen hundred the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by subsequent Acts shall from and after such transfer be deemed to have been incorporated with such Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith;
- (b) If any such undertaking is acquired by the Company under this section the provisions of the principal Acts shall subject to any modification of those Acts made by any such Order apply to that undertaking;
- (c) If the undertakers for any undertaking so acquired by the Company are a local authority the undertaking shall be deemed to be subject to 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 re-purchase such undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company;
- (d) None of the provisions of any such Order or of the principal Acts shall extend to authorise the re-purchase by any local authority of any generating station or other works of the Company which are not mainly used or required for the purposes of supplying electricity under such Order within the area defined by such Order;
- (e) The powers conferred by this section may be exercised in respect of part only of any such undertaking or part only of any such powers rights authorities and privileges as aforesaid.

(2) The consideration payable by the Company in respect of the transfer to them of any such undertaking

A.D. 1927.

powers rights authorities and privileges or part thereof may if the undertakers transferring the same and the Company so agree be discharged wholly or in part by the allotment to such undertakers of fully paid-up shares or stock or debentures or debenture stock of the Company and all shares stock debentures or debenture stock issued for the purposes of this section shall for all purposes be deemed to be fully paid up and any such undertakers may accept hold and dispose of such shares stock debentures or debenture stock.

(3) References in this section to a Provisional or Special Order shall be deemed to include references to any Act or Acts of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

(4) 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 paragraph (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

Acquisition
of generat-
ing stations
&c. by
agreement.

70.—(1) The Company may by agreement purchase take on lease or otherwise acquire work use maintain alter and improve any generating station or sub-station and the works connected therewith or incidental thereto belonging to any local authority or other undertakers authorised to supply electricity in any area within or partly within and partly without or adjoining the area of supply or in any area which adjoins the area of supply and in which the Company are for the time being giving or under contract to give a supply of electricity in bulk and any such undertakers may transfer any such generating station sub-station and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Company on such terms as may be agreed.

(2) If the Company so acquire any such generating station sub-station or works powers rights authorities and privileges they may for the purpose of carrying on maintaining and working any such generating station sub-station or works so transferred to them and of connecting the same with the area of supply exercise all the powers rights authorities and privileges so transferred to them and any generating station sub-station

or works transferred to the Company under this section or any works executed by them under any powers so transferred to them shall be deemed to form part of the undertaking of the Company. A.D. 1927.

(3) Nothing in this section shall exonerate the Company from any indictment action or other proceeding for nuisance if any nuisance is caused or permitted by the Company on any land on which any such generating station or sub-station is situated and for which nuisance any such undertakers as aforesaid would have been liable if caused by them.

(4) Nothing in this section shall authorise the Company to acquire any powers rights and privileges of any undertakers with respect to the supply of electricity nor shall anything in this section authorise the Company to purchase or take on lease (other than a lease for a term ending before the expiration of seven years from the passing of this Act) any generating station or main transmission line except with the consent of the Electricity Commissioners.

71. The Company and any local authority or other undertakers authorised to supply electricity in any area within or partly within and partly without or adjoining the area of supply may with the approval of the Electricity Commissioners enter into and carry into effect agreements and arrangements for and with respect to the management by the Company of the whole or part of the undertaking or any generating station sub-station or other works of such undertakers upon and subject to such terms and conditions as may be agreed between the Company and such undertakers. Power to manage undertakings or works of other undertakers.

72.—(1) The Company may provide sell let for hire or dispose of on terms of payment by instalments and fix repair maintain and remove electric lines fittings lamps and standards apparatus or appliances for lighting (whether for public lighting or otherwise) heating and motive power and for all other purposes for which electricity can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed. Provided that nothing in this section shall authorise the Company to manufacture any such electric lines fittings apparatus or appliances. Power to deal in apparatus.

A.D. 1927.

(2) The Company may provide and carry on shops or showrooms for the exhibition or sale of any fittings apparatus or appliances referred to in this section.

(3) Any electric lines fittings apparatus and appliances provided by or on behalf of the Company on consumers' premises and any lands buildings or works held by them in connection therewith shall be deemed to form part of the undertaking of the Company.

(4) Sections 24 and 25 of the Electric Lighting Act 1882 and section 16 of the Electric Lighting Act 1909 shall apply to all articles and things let for hire or supplied by the Company or disposed of on terms of payment by instalments under the provisions of this section.

Power to hold patent rights.

73. The Company may acquire and hold patent and other rights in relation to the generation transmission and use of electricity for the purposes of this Act.

PART VI.

PROTECTIVE PROVISIONS.

For protection of Postmaster-General.

74.—(1) Any electricity supplied under this Act to the owners or lessees of any railway tramway dock harbour or canal undertaking shall not be used by the company body or person receiving such supply in such manner as to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line. But this provision shall not apply to an undertaking or part thereof in respect of which any company body or person is authorised to use electricity by Act of Parliament or by Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity.

(2) Nothing in the section of this Act of which the marginal note is "As to route" shall take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899.

(3) Any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Company under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869. A.D. 1927.

(4) The Company shall not construct any telephone or telegraph posts wires conductors or apparatus which shall interfere in any way with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General and the Company shall within forty-eight hours of the service on them of a notice in writing by the Postmaster-General in that behalf remove or alter to the satisfaction of the Postmaster-General any such telephone or telegraph posts wires conductors or apparatus as aforesaid which in the opinion of the Postmaster-General interfere or will interfere with the efficient or convenient maintaining working or user of any telegraphic line which the Postmaster-General has constructed or desires to construct and in such default of such removal or alteration as aforesaid the Postmaster-General may remove or alter any such telephone or telegraph posts wires conductors or apparatus as aforesaid at the expense of the Company.

(5) Section 22 subsections (4) and (5) of the Electricity (Supply) Act 1919 shall so far as applicable extend and apply to any works executed under any contract agreement or arrangement made in pursuance of the sections of this Act of which the marginal notes respectively are "Agreements with Government departments and others" and "Agreements with railway companies for works."

75. For the protection of the county councils of the administrative counties of Berks Bucks Gloucester Oxford Southampton and Wilts and of the council of every borough or urban or rural district situate wholly or partly within the area of supply (each of which councils is in this section referred to as "the council") the following provisions unless otherwise agreed in writing between the council and the Company shall have effect with respect to the exercise in or affecting any highway or bridge of any of the powers of this Act and shall be in lieu of the provisions of sections 14 15 16 and 17 of the schedule to the Electric Lighting (Clauses)

For protection of road authorities.

A.D. 1927. Act 1899 as incorporated with this Act and of sections 6 to 12 (inclusive) of the Gasworks Clauses Act 1847 as incorporated with the Electric Lighting Act 1882 so far as those provisions would apply to the Company with respect to the exercise of those powers and to the highway in or affecting which the powers are exercised (that is to say) :—

(1) In this section—

The words “ bridge ” and “ highway ” respectively mean a bridge or a highway (other than a bridge) vested in or repairable by the council and the word “ bridge ” includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches. Provided that for the purpose of subsections (2) and (4) of this section the word “ highway ” shall include—

(i) any intended street the formation of which has been commenced; and

(ii) any street laid out but not dedicated to public use; and

(iii) any street dedicated to public use but not repairable by the inhabitants at large;

and which street the Company intend to break up for the purpose of laying renewing or removing electric lines for supplying electricity to any premises abutting on or being erected in such street but nothing in this section shall save so far as is provided by the said subsections (2) and (4) prejudice or affect the rights of the owner of any such street or of any other persons having the control or management of any such street;

The word “ apparatus ” includes any electric line or work;

The word “ along ” includes in on under over across at the side of and attached to;

The word “ surveyor ” means the surveyor to the council;

The word “ plan ” where relating to a bridge includes such section or sections as the surveyor may reasonably require.

A.D. 1927.

(2) (a) Before the Company commence to lay place repair renew or remove any apparatus along or from any highway or bridge they shall (except in the cases of repairing renewing or removing consumers' service wires or of emergency when notice shall be given as soon as possible) give to the council notice of their intention so to do not less than in the case of a bridge twenty-eight clear days and in all other cases fourteen clear days.

(b) The Company shall not (except in the case of consumers' service wires or of emergency) exercise their powers of laying placing renewing or removing any apparatus along or from any highway or bridge otherwise than according to a plan approved by the council or (failing such approval) determined by arbitration which plan shall be upon such scale and contain such details as the council may reasonably require and shall be delivered to the council by the Company. Provided that unless within the period of twenty-eight clear days from such delivery of a plan relating to a bridge or fourteen clear days from such delivery of a plan relating to a highway the council intimate to the Company any objection to the plan they shall be deemed to have approved thereof. Provided also that if as respects any highway or bridge the Company desire to avail themselves of the provisions as to payments to be made to them by the council contained in subsection (4) of this section they shall at the same time as they deliver to the council such plan give to the council notice of such their desire and if such last-mentioned notice be given all apparatus to be laid or placed along any highway or bridge shall be laid or placed in such position and at such depth or height as the council may reasonably direct within the said period of twenty-eight clear days or fourteen clear days (as the case may be) and the surveyor shall be entitled to superintend the execution of the works for the purpose of ensuring compliance by the Company with such directions.

(3) Nothing in this Act shall authorise the Company to interfere with the structure of any bridge without the consent of the council which consent shall not be unreasonably withheld and may be given upon such conditions as the council may reasonably determine.

A.D. 1927.

(4) Nothing in this Act shall interfere with the right of the council to alter the level of deviate widen reconstruct or improve any highway (each of which works is in this section referred to as a "highway alteration") or to remove alter rebuild widen or repair any bridge (each of which works is in this section referred to as a "bridge alteration") along which highway or bridge any apparatus has or shall have been laid or placed in the same manner as if this Act had not been passed. If for the purposes of or in connection with any such highway alteration or bridge alteration it shall be reasonably necessary to take up or alter the level or position of or divert any apparatus laid or placed along the highway or bridge the Company may and (if reasonably required by the council) shall either take up and relay or replace in the same or some other position or alter the level or position of or divert such apparatus in such manner and to such extent as may be agreed between the council and the Company or (failing such agreement) determined by arbitration or (where reasonably expedient) lay or place as may be agreed or determined as aforesaid new apparatus in lieu of the existing apparatus and the cost of such taking up replacement alteration or diversion or of the provision and laying or placing of such new apparatus—

- (a) if the existing apparatus was laid or placed under the powers of this Act but not in pursuance of or in compliance with any directions given by the council under subsection (2) (b) of this section shall be borne and paid by the Company; and
- (b) if the existing apparatus was laid or placed under the powers of this Act and also in pursuance of or in compliance with such directions as aforesaid or if the council shall have failed to give directions with respect to such apparatus pursuant to the said subsection (2) (b) shall be borne by the council and be paid by them to the Company :

Provided that in all such cases as are mentioned in paragraph (b) of this subsection the council shall afford to the Company free of charge all reasonable facilities for temporarily carrying or accommodating the existing apparatus so as not to interrupt the continuous supply of electricity through the same and if in lieu of altering

A.D. 1927.

the level or position of or diverting the existing apparatus the Company shall lay or place in an altered or new position or at an altered level apparatus of greater dimensions than the existing apparatus or (on account of the worn or defective condition of the existing apparatus) substituted apparatus of not greater dimensions than but in lieu of the existing apparatus the amount (hereinafter referred to as "the gross amount") which would but for this proviso be payable by the council under the said paragraph (b) shall be reduced to an amount to be agreed between the council and the Company or (failing such agreement) determined by arbitration such amount being (i) in the case of apparatus of such greater dimensions as aforesaid a sum bearing to the gross amount the proportion which the dimensions of the existing apparatus bear to such greater dimensions or (ii) in the case of substituted apparatus a sum bearing to the gross amount the proportion which the effective life of the existing apparatus bears to that of the substituted apparatus :

Provided also that if on the completion of any highway alteration or bridge alteration it shall be agreed between the council and the Company or (failing such agreement) determined by arbitration that any apparatus originally laid or placed along the highway or bridge in pursuance of or in compliance with any directions given by the council under subsection (2) (b) of this section was so laid or placed at a depth below or height above the surface of the highway or bridge greater than was reasonably sufficient in order to adapt the same to such highway alteration or bridge alteration the Company shall be entitled to raise or lower the level of the apparatus to such extent as may be agreed or determined as aforesaid and the council shall repay to the Company the cost reasonably incurred by them in so doing.

(5) When any highway alteration or bridge alteration shall have been completed the Company shall have the same rights and powers with respect to the highway or bridge as they had with respect thereto before such alteration was carried out.

(6) All works of the Company shall be so executed that so far as reasonably practicable the traffic on any highway or over any bridge shall not be impeded or interfered with and the Company shall not break up at any

A.D. 1927. — one time a greater length of the roadway than shall be reasonably specified by the surveyor.

(7) If at any time when the Company are about to lay any apparatus along any highway or bridge the council shall give notice to the Company requiring the Company so to do the Company shall in accordance with the reasonable directions and to the reasonable satisfaction of the surveyor after the apparatus has been laid restore so much of the highway or bridge as shall be broken up or damaged by the Company to the condition and strength in which it was immediately before such breaking up.

(8) (a) Notwithstanding anything in this Act the council may by notice given to the Company before the Company shall have completed laying any apparatus along any highway or bridge elect themselves to restore such portion of the highway or bridge as has been broken up or damaged by the Company and if the council give such notice they shall as soon as the apparatus shall have been laid along the highway or bridge by the Company restore the said portion of the highway or bridge to the condition and strength in which it was immediately before such breaking up and the Company shall repay to the council all expenses reasonably incurred by the council in making such restoration and shall not be under any obligation with regard to the restoration reinstatement or making good of the said portion of the highway or bridge.

(b) If the council give to the Company any such notice as is referred to in paragraph (a) of this subsection the Company shall give to the council notice in writing of the completion of the laying of the apparatus for which the highway or bridge was broken up or damaged and the council shall indemnify the Company from and against all claims demands damages costs charges and expenses which may be made against or incurred by the Company in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or public holiday) from the receipt by the council of any notice so given by the Company and by reason or in consequence of the highway or bridge not having been so restored as aforesaid.

A.D. 1927.

(9) The Company shall make good or bear the cost of making good any subsidence of any highway or of the roadway or footway on any bridge which may arise at any time within three months from the completion of any restoration by the Company or the council of such highway or bridge under subsections (7) or (8) of this section except when the restoration shall have been made by the council and the subsidence shall result from or be contributed to by any negligence on the part of the council or their contractors servants workmen or agents in connection with the restoration (in which excepted case the subsidence shall be made good by the council at their own expense) but the Company shall not be under any liability to make good or bear the cost of making good any such subsidence which may arise after the expiration of such period of three months.

(10) The Company shall pay to the council the reasonable expenses incurred by them in relation to the reasonable superintendence by the council or the surveyor of the execution by the Company of any of the works referred to in this section.

(11) Where for the purposes of the Company boxes or other like apparatus shall be placed in the surface of the carriageway of any highway or bridge and the council shall require the same to be surrounded or protected by sett paving or other adequate form of protection the Company shall at their own cost provide such protection to the reasonable satisfaction of the council and for the purposes of this section any such sett paving shall be deemed to form part of the apparatus in connection with which it is provided or required to be provided.

(12) Where the consent of the Minister has been obtained to the placing of any electric line above ground any standard pole or other structure for carrying the electric line shall be placed in or upon any highway or bridge so as to interfere as little as may be with the statutory powers and duties of the council in reference to such highway or bridge and so as not to be or be likely to become an obstruction to traffic or dangerous to the public.

(13) Any consent approval notice intimation requirement or direction to be given by the council under this section shall be given in writing under the hand of the clerk to the council or the surveyor.

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(14) Any matter required by this section to be determined by arbitration and any difference which may arise between the council and the Company under this section shall be referred to and determined by an arbitrator or other tribunal to be agreed upon between them or failing agreement to be appointed or nominated on the application of either party by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to an arbitrator.

For protec-
tion of Con-
servators of
river
Thames.

76. Where the execution by the Company of any of the purposes or powers of this Act will involve the placing of any works in under along or across any part of any tow-path of the Thames as defined by the Thames Conservancy Act 1924 (in this section called "the Thames") not repairable by the local authority the provisions of section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply as if the said tow-path formed part of a canal whereof the conservators of the river Thames are the owners And save as specially authorised by this Act nothing in this Act shall authorise the Company to interfere in any manner with the bed soil or banks of the Thames or the tow-paths thereof so far as the same are not repairable by the local authority or the navigation of the Thames or affect in any manner the rights powers or privileges of the said conservators.

For pro-
tection of
certain
railway
companies.

77. For the protection of every railway company owning a railway in the area of supply (each of whom is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company have effect (that is to say):—

- (1) Section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 shall in its application to the Company have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways of a railway company:"
- (2) If having regard to the proposed position of any electric lines of the Company in relation to the position of the works of the railway company at any point where electric lines of the Company

will be constructed over or under any railway of the railway company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing those works shall be borne by the Company :

A.D. 1927.
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- (3) The Company shall give to the railway company fourteen days' notice in writing of any application to be made by the Company to the Minister under section 10 (b) of the schedule to the Electric Lighting (Clauses) Act 1899 or under section 21 of the Electricity (Supply) Act 1919 or under this Act for the consent of the Minister to the placing of any electric lines above ground over any street or over or under any bridge owned or repairable by the railway company :
- (4) Any additional expense which the railway company may reasonably and properly incur in widening altering reconstructing repairing or maintaining their railways bridges tunnels subways or works under any powers of the railway company in that behalf existing at the date of the passing of this Act or in adapting their railways for working by electrical power by reason of the existence of any electric mains laid by the Company under the powers of this Act upon or across over or under the same shall be paid by the Company :
- (5) Any difference between the Company and the railway company arising under this section shall be referred to arbitration in manner hereinafter provided.

78. If any of the Special Orders for which application has been made to the Electricity Commissioners under the titles hereunder mentioned shall be made by the Commissioners and confirmed by the Minister of Transport and approved by Parliament prior to the first day of January nineteen hundred and twenty-nine then the undertakers for the purposes of such Order shall be

For protection of applicants for pending Special Orders.

A.D. 1927. — deemed to have been authorised distributors at the date of the passing of this Act within the area of supply defined in the Order as so approved.

The titles of the Special Orders above referred to are :—

Bicester Electricity Special Order 1927.

Bourton-on-the-Water Electricity Special Order 1927.

Burford and District Electricity Special Order 1927.

Faringdon Electricity Special Order 1927.

Newbury Electricity (Extension) Special Order 1927.

West Gloucestershire Electricity (Extension) No. 2 Special Order 1927.

Whitchurch and Pangbourne Electricity (Extension) Special Order 1927.

Woodstock Electricity Special Order 1927.

79. If—

For protection of applicants for future Special Orders.

- (a) any local authority company or person shall at any time after the passing of this Act apply for a Special Order under the principal Acts to authorise them to supply electricity within any area situate in the area of supply or to extend the limits of such applicants for the supply of electricity so as to include any area in the area of supply; and
- (b) the applicants are the local authority or a combination of the local authorities for the area or the application is made with the consent of the local authority or local authorities for the area or the consent of the local authority or local authorities for the area is dispensed with by the Electricity Commissioners; and
- (c) the company are not at the date of the application under obligation to carry into effect proposals approved by the Electricity Commissioners under the section of this Act of which the marginal note is "Proposals for development of supply" for the development of the supply of electricity in the

area or do not within two months after receipt of notice of the application submit proposals to the Commissioners under the said section for the development of the supply of electricity in the area and such proposals are approved by the Commissioners with or without modification ;

A.D. 1927.

the Company shall not be entitled to oppose the application except so far as may be necessary in order to secure the insertion in the Special Order of clauses or amendments for the protection of their electric lines and works in the area and for requiring the applicants to acquire from the Company on such terms as may be agreed or failing agreement determined by arbitration under section 28 of the Electric Lighting Act 1882 any works or apparatus of the Company used solely for the purpose of supplying electricity for lighting and general domestic purposes (including office purposes) to any premises in the area and provision may be made in the Special Order for the acquisition by such local authority company or person of such works and apparatus.

80. Notwithstanding anything in this Act or the principal Acts the following provisions for the protection of the mayor aldermen and burgesses of the borough of Swindon (in this section referred to as "the corporation" and "the borough" respectively) shall apply and have effect :—

For protection of Swindon Corporation.

- (1) If within two years after the passing of this Act the boundary of the borough is extended then as from the date when the boundary is so extended the area so added to the borough (in this section referred to as "the added area") shall cease to form part of the area of supply and this Act shall be read and have effect as if the added area were excepted from the description of the area of supply in the section of this Act of which the marginal note is "Area of supply" :
- (2) If within two years after the passing of this Act the Corporation make an application to the Electricity Commissioners for a Special Order extending their limits for the supply

A.D. 1927.

of electricity so as to include the whole or any part of—

(i) the rural district of Cricklade and Wootton Bassett;

(ii) so much of the rural district of Highworth as is not at the passing of this Act in the Corporation's existing limits for the supply of electricity; and

(iii) the parishes of Ogbourne St. George and Ogbourne St. Andrew in the rural district of Marlborough

the Company shall not oppose the application and if such Special Order be made and confirmed and be approved by Parliament then as from the coming into force of the said Special Order the area added to the corporation's said limits by the Special Order as so approved by Parliament (in this section referred to as "the added electricity limits") shall cease to form part of the area of supply and this Act shall be read and have effect as if the added electricity limits as well as the added area were excluded from the description of the area of supply in the aforesaid section of this Act :

- (3) If at the date when the added area or the added electricity limits shall cease to form part of the area of supply in pursuance of the foregoing provisions of this section the Company are supplying electricity in the added area or the added electricity limits (as the case may be) the corporation shall if so required by the Company acquire from the Company any electric lines and works of the Company within the added area or added electricity limits (other than electric lines and works situated therein and used for the transmission of electricity to areas supplied by the Company beyond the added area or added electricity limits) at such sum in gross and on such terms and conditions as may be agreed between the Company and the corporation or settled by arbitration under section 28 of the Electric Lighting Act 1882 :

- (4) Notwithstanding the foregoing provisions of this section or anything in this Act the Company may enter upon and break up and may lay or place electric lines and other works in under along or across any roads in the borough or the parish of Rodbourne Cheney in the rural district of Highworth or the added area or the added electricity limits for the purposes of (a) giving or taking a supply of electricity in bulk to or from the Corporation and (b) affording supplies of electricity to areas beyond the borough or the said parish or the added area or the added electricity limits and the Company shall in respect of any such roads electric lines and works have the same rights and be subject to the same obligations and liabilities (other than rights obligations and liabilities in regard to the supply of electricity) as they would have and be subject to if such roads electric lines and works were situate within the area of supply and such roads were broken up for the purpose of supplying electricity in that area.

A.D. 1927.

81. Notwithstanding anything in this Act or the principal Acts the following provisions for the protection of the mayor aldermen and burgesses of the borough of Basingstoke (in this section referred to as "the corporation" and "the borough" respectively) shall apply and have effect:—

For protection of Basingstoke Corporation.

- (1) If the Special Order for which the Corporation have applied to the Electricity Commissioners with the title Basingstoke Electricity (Extension) Special Order 1927 is made by the Commissioners confirmed by the Minister of Transport and approved by both Houses of Parliament then as from the date of commencement of that Order any area added by the Order to the Corporation's limits for the supply of electricity (in this section referred to as "the added electricity limits") shall cease to form part of the area of supply and this Act shall be read and have effect as if the added electricity limits were excluded from the area of supply defined in the section of

A.D. 1927.

this Act of which the marginal note is "Area of supply":

- (2) If at the date when the added electricity limits shall cease to form part of the area of supply in pursuance of the foregoing provisions of this section the Company are supplying electricity in those limits the Corporation shall (if so required by the Company) acquire from the Company any electric lines and works of the Company within the added electricity limits (other than electric lines and works situated therein and used for the transmission of electricity to areas supplied by the Company beyond the added electricity limits) at such sum in gross and on such terms and conditions as may be agreed between the Company and the corporation or settled by arbitration under section 28 of the Electric Lighting Act 1882:
- (3) Notwithstanding the foregoing provisions of this section or anything in this Act the Company may enter upon and break up and may lay or place electric lines and other works in under over along or across any roads in the borough or the parishes of Sherbourne St. John and Basing in the rural district of Basingstoke or the added electricity limits for the purposes of (a) giving or taking a supply of electricity in bulk to or from the corporation and (b) affording supplies of electricity to areas beyond the borough or the said parishes or the added electricity limits and the Company shall in respect of such roads electric lines and works have the same rights and be subject to the same obligations and liabilities (other than rights obligations and liabilities in regard to the supply of electricity) as they would have and be subject to if such roads electric lines and works were situate within the area of supply and such roads were broken up for the purpose of supplying electricity in that area.

For protection of
Oxford
Corporation.

82. For the protection of the mayor aldermen and citizens of Oxford (in this section called "the corporation") the following provisions shall unless other-

wise agreed in writing between the corporation and the Company apply and have effect (that is to say) :— A.D. 1927.

Nothing in this Act shall prejudice affect or diminish the right of the corporation to purchase so much of the undertaking of the Oxford Electric Company Limited as is purchaseable by the corporation under or any other rights and powers of the corporation under the Oxford Electricity Orders 1890 to 1924 and the Electricity (Supply) Acts 1882 to 1926 or any of those Orders or Acts or extend the periods therein prescribed within which the corporation may purchase such portion of the said undertaking.

83. For the protection of the North Metropolitan Electric Power Supply Company (in this section called "the North Metropolitan Company") the following provisions shall unless otherwise agreed between the Company and the North Metropolitan Company have effect notwithstanding anything in this Act (that is to say) :—

For protection of North Metropolitan Electric Power Supply Company.

(1) The Company shall not supply electricity within or for use within the North Metropolitan limits nor shall electricity supplied by the Company be used within the North Metropolitan limits but nothing in this section shall prevent electricity supplied by the Company at any point within the area of supply to the owners or lessees of a railway tramway dock harbour or canal undertaking being used for any of the purposes mentioned in subsection (3) of the section of this Act of which the marginal note is "Principal powers of supply" :

(2) The Company shall not acquire the undertaking authorised by any Provisional Order or Special or other Order or any powers rights authorities and privileges of the undertakers under any such Order so far as the undertaking powers rights authorities or privileges relate to any part of the North Metropolitan limits nor shall the Company apply for any Special or other Order under the Electricity (Supply) Acts 1882 to 1926 with respect to any part of the North Metropolitan limits or exercise any other powers of this Act not

A.D. 1927.

hereinbefore mentioned within the North Metropolitan limits :

(3) The Company shall not enter into any agreement or arrangement for the purchase taking on lease or other acquisition or management of any undertaking generating station sub-station or works in the North Metropolitan limits :

(4) In this section the North Metropolitan limits has the meaning given to the expression "the Company's limits" in section 4 of the North Metropolitan Electric Power Supply Act 1925.

For protection of London and Home Counties Joint Electricity Authority.

84. Nothing in this Act shall authorise the Company except with the consent of the London and Home Counties Joint Electricity Authority to supply electricity to any authorised undertakers whose areas of supply are situate in the electricity district of that authority and to whom the authority are authorised to supply electricity.

Compensation for deprivation of employment.

85. Nothing in this Act shall prejudice or affect any right or interest of any officer or servant of any authorised undertakers under the provisions of section 15 of the Electricity (Supply) Act 1926 and the enactments and schedule therein referred to and the said provisions shall extend and apply to any officer or servant of any authorised undertakers affected by the closing (permanent or temporary) or alteration in the working or use of or the acquisition of a generating station or by the acquisition of a main transmission line or any part thereof under or in consequence of any contract or agreement entered into by the Company under the provisions of this Act with any authority company or person and the provisions of the said section 15 and the enactments and schedule therein referred to shall apply and have effect as if such closing or acquisition were a closing or acquisition under or in consequence of the said Act of 1926 and such alteration were a restriction imposed by or under a scheme under that Act.

PART VII.

MISCELLANEOUS PROVISIONS.

Cesser of powers.

86. If within three years from the passing of this Act the Company have not in the opinion of the

Electricity Commissioners substantially commenced their works for the purpose of carrying out their powers under this Act the Minister may order that the powers of the Company under this Act with respect to the supply of electricity for power shall cease as to the whole or any part of the area of supply and on any such order being made those powers shall cease accordingly.

A.D. 1927.

87.—(1) The purchasing authority (as hereinafter defined) may within six months after the expiration of a period of fifty years from the date of the passing of this Act and within six months after the expiration of every subsequent period of ten years by notice in writing require the Company to sell and thereupon the Company shall sell to them the undertaking on terms of payment to the Company of a sum equal to the capital properly expended for the provision of the land buildings works material and plant of the Company in use or available and suitable for use at the time of the purchase for the purposes of the undertaking less depreciation according to such scale as may have been prescribed by a Special Order made in pursuance of paragraph (a) of subsection (1) of section 39 of the Electricity (Supply) Act 1926.

As to
purchase
of under-
taking.

(2) The said purchase shall take effect from the date on which the purchase consideration is paid to the Company or on such other date as may be agreed between the Company and the purchasing authority and as from that date all land buildings works material and plant so purchased shall vest in the purchasing authority freed from all debts mortgages or similar obligations of the Company or attached to the undertaking and the powers of the Company in relation to the supply of electricity under this Act shall absolutely cease and determine and shall vest in the purchasing authority.

(3) Subject to the foregoing provisions of this section the Minister shall determine any questions which may arise in relation to the purchase.

(4) For the purposes of this section the purchasing authority—

- (i) If at the date of purchase the area of supply is situate wholly or mainly within the district of a joint electricity authority shall be the

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joint electricity authority Provided that if at the said date the area of supply is situate partly within the district of one joint electricity authority and partly in that of another the right of purchase shall be exercised by such one of those authorities or shall be divisible between them as the Electricity Commissioners shall determine Provided also that the whole undertaking shall be purchased at one and the same time;

(ii) If at the date of purchase the area of supply is not situate wholly or mainly within the district of a joint electricity authority shall be either—

(a) The local authorities for the districts wholly or partly situate within the area of supply acting through a joint committee or joint board constituted under section 8 of the Electric Lighting Act 1909; or

(b) Some other public body duly authorised by Parliament to purchase the undertaking;

as the Minister may determine.

Inspectors.

88.—(1) The Minister on the application of any authorised undertakers or persons supplied with electricity by the Company under the powers of this Act may appoint and keep appointed one or more competent and impartial persons to be electrical inspectors under this Act and the Minister may prescribe the fees to be taken by any such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Minister.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of any main of the Company passing through their district or if necessary that portion of the main within their district and if the Company fail to comply with the provisions of this subsection any such local authority may apply to the Minister 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.

89. Any person who shall hinder an officer appointed by the Company from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings. A.D. 1927.
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Entry on premises.

Where any premises which the Company or their officers are entitled to enter in pursuance of section 24 of the Electric Lighting Act 1882 are unoccupied the Company or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he or his address is unknown to the Company and cannot be ascertained after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

90. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator agreed on between the parties or failing agreement appointed by the Minister on the application of either party after notice to the other. Arbitration.

91. Save as is otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

92. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

93. 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. Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

In this schedule :—

The expression “ unit ” means the electricity contained in a current of one thousand amperes flowing under an electromotive force of one volt during one hour ;

The expression “ kilovolt ampere ” means the current in amperes actually used multiplied by the declared pressure of supply in volts and divided by one thousand ;

The expression “ consumer ” means any authorised undertakers local authority company body or person supplied by the Company with electricity under the powers of this Act.

SECTION I.

Maximum rates for a supply of electricity in bulk or for power :—

- (a) A sum of six pounds per kilovolt ampere per annum of the maximum power required to be supplied to the consumer and in addition
- (b) A sum of three halfpence per unit for all units supplied to the consumer.

SECTION II.

Maximum rates for a supply of electricity for lighting or general domestic purposes (including office purposes) :—

(1) Where the Company do not charge in accordance with paragraph (2) or paragraph (3) of this section—

- (a) A sum payable quarterly in advance of thirty pounds per kilowatt per annum based on (i) seventy per centum of the wattage of the lighting installation in the case of premises used only for private residence and (ii) the total wattage of the lighting installation in the case of other premises and in addition
- (b) A sum of twopence per unit for all units supplied to the consumer.

(2) Where the Company charge any consumer by the actual amount of energy supplied to him— A.D. 1927.

The rate of one shilling per unit Provided that the Company may make the following minimum charges (exclusive of meter rental) if energy to the value of the following amounts is not actually consumed (that is to say) :—

(a) In respect of the quarters ending thirty-first March and thirty-first December fifteen shillings;

(b) In respect of the quarters ending thirtieth June and thirtieth September ten shillings.

(3) Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall charge him according to the rates set forth in paragraph (2) of this section and the amount of energy supplied to him shall be 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 regulations of the Electricity Commissioners.

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