



CHAPTER liv.

An Act to confer further powers on the Cornwall Electric Power Company and for other purposes. A.D. 1936.
[14th July 1936.]

WHEREAS by the Cornwall Electric Power Act 1902 (hereinafter referred to as "the Act of 1902") the Cornwall Electric Power Company (hereinafter referred to as "the Company") were incorporated and authorised to supply electricity to authorised undertakers and other persons within the area defined in that Act (i.e. the whole of the county of Cornwall exclusive of the Scilly Islands and the rural districts of Stratton and Holsworthy as respectively existing at the passing of the Act of 1902) for the purposes to the extent and subject to the limitations stated in that Act and to exercise other powers :

And whereas the capital of the Company authorised by the Act of 1902 is four hundred and fifty thousand pounds in forty-five thousand shares of ten pounds each of which thirty-three thousand shares of ten pounds each have been issued and are fully paid up :

And whereas the Company are authorised by the Act of 1902 to borrow on mortgage of their undertaking or by the creation and issue of debenture stock any sum or sums not exceeding in the whole one-third of the amount of the capital by that Act authorised to be raised and at the time actually issued by shares or stock and in pursuance of that power the Company have created sixty thousand pounds five per centum debenture

A.D. 1936. — stock of which eighteen thousand one hundred and fifty pounds (nominal amount) has been issued and the remainder has not been issued :

And whereas the total capital expenditure incurred by the Company up to the thirty-first December nineteen hundred and thirty-five exceeded the total amount of the share and loan capital authorised by the Act of 1902 :

And whereas the demands for a supply of electricity within the Company's area of supply have increased and are increasing and for the purpose of enabling the Company to meet these demands and to fulfil their obligations and to provide for the excess of the capital expenditure so incurred by them it is expedient that the authorised share and loan capital and borrowing powers of the Company be increased :

And whereas the schedule to this Act contains a list of the companies financially associated with the Company and authorised at the passing of this Act to distribute electricity within various parts of the Company's area of supply and of the Provisional or Special Orders by which these companies are so respectively authorised and it is expedient to make provision as in this Act contained for enabling the Company to acquire by agreement (subject to the conditions stated in this Act) the respective undertakings authorised by the said Orders or by other Provisional or Special Orders authorising the supply of electricity and the powers rights authorities and privileges of the respective undertakers thereunder :

And whereas it is expedient that other powers be conferred on the Company and further provisions be enacted with reference to their undertaking as in this Act contained :

And whereas it is expedient that the other provisions of this Act be enacted :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

Parliament assembled and by the authority of the same A.D. 1936.
as follows :—

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Cornwall Electric Power Act 1936. Short and collective titles.

(2) The Cornwall Electric Power Act 1902 and this Act may be cited together as the Cornwall Electric Power Acts 1902 and 1936.

2. This Act is divided into the following Parts :— Act divided into Parts.

Part I.—Preliminary.

Part II.—Financial.

Part III.—Administrative provisions.

Part IV.—Works and supply of electricity.

Part V.—Miscellaneous.

3. The Companies Clauses Consolidation Act 1845 except sections 101 to 104 and the Companies Clauses Act 1863 except Part IV (Change of name) as respectively amended by subsequent Acts are so far as applicable for the purposes of this Act and not inconsistent with or varied by the Act of 1902 or this Act hereby incorporated with this Act. Incorporation of Companies Clauses Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

4.—(1) This Act shall be deemed to be a special Act within the meaning of the principal Acts and the Electric Lighting (Clauses) Act 1899. Application of Electricity (Supply) Acts.

(2) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 except the sections and provisions thereof which are excepted from incorporation with the Act of 1902 are hereby incorporated with this Act subject as follows :— 62 & 63 Vict. c. 19.

- (i) Section 20 of the schedule shall in its application to the powers conferred on the Company by this Act and to the Company when exercising those powers have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways"; and

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(ii) The provisions of the schedule which are hereby incorporated with this Act shall be incorporated subject to any modifications of those provisions contained in the Act of 1902 or this Act or in the principal Acts.

(3) Notwithstanding anything in this section—

51 & 52 Vict.
c. 12.

(a) sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the undertaking authorised by the Act of 1902 and this Act or to the Company in relation thereto; and

45 & 46 Vict.
c. 56.

(b) 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 in so far as they restrict the breaking up of tramways or railways where laid across or along any highway on the level or of the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the Company with reference to the undertaking authorised by the Act of 1902 and this Act.

(4) Nothing in this section shall affect the application of the Electric Lighting Act 1888 and the schedule to the Electric Lighting (Clauses) Act 1899 to the undertaking authorised by any Electricity Order of which the Company are for the time being the undertakers or to the Company in relation to any such undertaking.

Interpreta-
tion.

5. In this Act words and expressions to which meanings are assigned by the Companies Clauses Consolidation Act 1845 the Electric Lighting Act 1882 or the schedule to the Electric Lighting (Clauses) Act 1899 have the same respective meanings except as otherwise stated in this section and except where there is something in the subject or context repugnant to such construction And the following expressions have the meanings herein mentioned unless the subject or context otherwise requires :—

“ the Company ” means the Cornwall Electric Power Company;

“ the Act of 1902 ” means the Cornwall Electric Power Act 1902;

- “ the principal Acts ” means the Electricity (Supply) Acts 1882 to 1936; A.D. 1936.
- “ Electricity Order ” means a Provisional Order or Special Order made under the principal Acts or any of them;
- “ the appointed day ” means the first day of January nineteen hundred and thirty-seven;
- “ the undertaking ” means (except where the undertaking authorised by the Act of 1902 and this Act or the undertaking authorised by any Electricity Order or Electricity Orders is referred to) the whole undertaking of the Company as for the time being authorised by Act of Parliament and any Electricity Order for which the Company are for the time being the undertakers;
- “ the existing shares ” means such of the ordinary shares of ten pounds each in the capital of the Company authorised by the Act of 1902 as shall have been issued before the appointed day and be existing immediately before the appointed day;
- “ the substituted shares ” means the ordinary shares of one pound each in the capital of the Company into which the existing shares shall become converted on the appointed day in pursuance of Part II of this Act;
- “ the authorised share capital ” means the total amount which the Company are from time to time authorised by the Act of 1902 and this Act and any subsequent Act and by any Order made under section 19 (Increase of capital powers by Special Order) of this Act to raise by the creation and issue of ordinary and preference shares and stock;
- “ the area of supply ” has the same meaning as in the Act of 1902 namely the area defined in section 36 of that Act;
- “ undertakers ” has the meaning given to that expression by the Electric Lighting Act 1909; 9 Edw. 7. c. 34.
- “ the Minister ” means the Minister of Transport;
- “ employee ” means all officers workmen and other persons employed by the Company and includes a managing director.

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PART II.

FINANCIAL.

Conversion
of existing
shares.

6.—(1) On the appointed day each of the existing shares shall become and be by virtue of this Act converted into ten ordinary shares of one pound each (nominal amount) which shall for all purposes be deemed to be issued accepted and fully paid up and shall be by virtue of this Act vested in the respective holders of the existing shares in substitution for those shares and be forthwith registered in the respective names of such holders in the books of the Company.

(2) The substituted shares shall rank for dividend as on and from the appointed day and the existing shares shall cease to be entitled to any dividend in respect of any period after the day immediately preceding the appointed day.

Company's
books to be
evidence as
to holders
of shares.

7.—(1) The several persons who immediately before the appointed day appear in the register of shareholders of the Company to be holders of existing shares or the respective executors or administrators of those persons shall for the purposes of this Part of this Act and subject to the provisions of section 10 (Transfers bequests &c. of existing shares although by present name to be valid) of this Act be deemed to be the holders of existing shares of the respective numbers stated in the register and on and after the appointed day the register of transfers of the existing shares shall be permanently closed and (except as provided by the said section 10) no transfer of any existing share made on or after the appointed day shall as between the Company and the party claiming thereunder be of any effect.

(2) The issue by the Company of certificates of substituted shares in accordance with the provisions of this Part of this Act to the persons whose names appear by the said register to be registered holders immediately before the appointed day of existing shares or to the respective executors or administrators of those persons or to the persons entitled thereto pursuant to the said section 10 of this Act shall be sufficient discharge to the Company for all purposes.

8. The substituted shares of which the holders of any existing shares are pursuant to this Part of this Act registered as the holders shall be held in the same rights upon the same trusts and subject (so far as is consistent with the provisions of this Act) to the same powers provisions charges and liabilities as those in upon or subject to which the existing shares in substitution for which such substituted shares are respectively registered were held immediately before the appointed day and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting any such existing shares and trustees executors or administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the substituted shares of which they are pursuant to the provisions of this Part of this Act registered as the holders in substitution for the existing shares held by them respectively and may (subject to the provisions of this Act) hold dispose of or otherwise deal with such substituted shares in all respects as they might have held disposed of or otherwise dealt with the existing shares for which the same are substituted.

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Substituted shares to be held on same trusts &c. as existing shares.

9. The Company shall as soon as practicable after the appointed day call in the certificates of all of the existing shares and issue free of charge in exchange for those certificates to the respective holders thereof certificates of substituted shares of the respective numbers to which those holders are respectively entitled under the provisions of this Part of this Act but no such holder shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such new certificate is to be exchanged or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require :

Existing certificates to be called in and others issued.

Provided that from the appointed day until the issue of such new certificates the holders of certificates of existing shares shall according to the respective numbers of substituted shares which such certificates respectively represent have and possess the same rights and privileges as if they were certificates for those respective numbers of substituted shares but if any holder of any existing

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shares neglect or omit to send or deliver to the Company his existing certificate or certificates for the period of six months after notice in writing sent by post to the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable on or in respect of the substituted shares which under the provisions of this Part of this Act are substituted for the existing shares represented by such existing certificate or certificates until such existing certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate or certificates as the directors may require.

Transfers
bequests &c.
of existing
shares
although
by present
name to be
valid.

10.—(1) All transfers or other dispositions of any existing shares made on or after the appointed day but not registered prior to the issue to the holders thereof respectively of the certificates of substituted shares to which those holders are respectively entitled under this Part of this Act shall notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective numbers of substituted shares which represent the existing shares thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this Part of this Act although the instrument transferring or disposing thereof shall describe the same as existing shares.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number of existing shares shall on and after the appointed day be held to apply to the number of substituted shares into which under the provisions of this Part of this Act such specific number of existing shares are converted.

Issue of
further
1902
capital.

11. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 as incorporated with this Act raise any part of the capital authorised by section 8 (Capital) of the Act of 1902 and not raised prior to the passing of this Act by the creation and issue at their option of new ordinary shares and stock and preference shares and stock or wholly or partially by any one or more of those modes respectively but no share so issued shall vest in the person accepting it unless and

until a sum not being less than one-fifth of the amount of the share shall have been paid in respect thereof. A.D. 1936. —

12. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 as incorporated with this Act raise additional capital not exceeding in the whole one million and fifty thousand pounds (nominal amount) by the creation and issue at their option of new ordinary shares and stock and preference shares and stock or wholly or partially by any one or more of those modes respectively but no share so issued shall vest in the person accepting it unless and until a sum not being less than one-fifth of the amount of the share shall have been paid in respect thereof. Additional share capital.

13. All ordinary shares created and issued under the powers of either of the two last preceding sections of this Act shall be of the nominal amount of one pound and after the appointed day all such ordinary shares and the substituted shares shall for all purposes form part of one and the same class of ordinary capital. Ordinary capital to form one class.

14. For the purposes of the Companies Clauses Act 1863 as incorporated with this Act and notwithstanding anything in sections 13 and 14 of the said Act of 1863 the maximum rate of dividend on any preference shares or stock created and issued by the Company shall be such rate as may be specified in the resolution creating the shares or stock and the Company may by the resolution creating any preference shares or stock determine that the shares or stock so created shall be entitled to a cumulative preferential dividend at the rate specified in the resolution and that if the profits of any year are not sufficient to pay such dividend the deficiency shall be made good out of any funds of the Company which may be available for that purpose or out of the profits of any subsequent year. Dividend on preference capital.

15.—(1) Subject to the provisions of subsection (3) of this section the Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the nominal amount of the mortgages and debenture stock of any class previously granted or issued by the Company and for the time being outstanding) one-half of the total nominal amount of the ordinary and preference shares Borrowing powers.

A.D. 1936. — and stock (of any class) in the capital of the Company which at the time of borrowing have been actually issued and accepted.

(2) The Company may also with the consent of the Electricity Commissioners (which consent the commissioners are hereby authorised to give) borrow on mortgage of the undertaking any additional sum or sums not exceeding in the whole (inclusive as aforesaid) a further one-half of the total nominal amount of the ordinary and preference shares and stock (of any class) in the capital of the Company which at the time of borrowing have been actually issued and accepted.

(3) For the purpose of determining the amount which may from time to time be borrowed by the Company under this section the shares and stock in the capital of the Company actually issued and accepted shall not be deemed to include—

- (i) any shares until one-half of the total nominal amount of those shares is paid up and not less than one-fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof; or
- (ii) any stock until one-half of the total nominal amount of such stock is paid up; or
- (iii) any shares or stock unless such shares or stock have been issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also in the case of shares that such persons or their executors administrators successors or assigns are legally liable for them.

(4) The powers of borrowing on mortgage of the undertaking conferred on the Company by this section shall be in substitution for and not in addition to the powers of borrowing conferred by section 21 (Power to borrow) of the Act of 1902.

Power to
issue
debenture
stock.

16. The Company may create and issue debenture stock subject to the provisions of section 23 (Debenture stock) of the Act of 1902.

17. Notwithstanding the terms of the resolution of the Company passed on the twelfth day of May nineteen hundred and fifteen creating sixty thousand pounds (nominal amount) debenture stock carrying interest at the rate of five per centum per annum so much of the debenture stock so created as has not been issued before the passing of this Act may be issued by the directors as redeemable or irredeemable debenture stock carrying such rate of interest and on such other terms and conditions and at such times and in such manner as the directors think advantageous to the Company Provided that if any of the debenture stock so created be issued as redeemable debenture stock the provisions of section 20 (Redeemable preference capital and debenture stock) of this Act shall apply as if such debenture stock had been created by the Company after the passing of this Act.

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Issue of
debenture
stock
already
created.

18.—(1) The Company may for the purposes of or in connection with the undertaking borrow money on temporary loans from bankers or other bodies or persons by means of overdrafts or otherwise.

Company
may incur
temporary
loans &c.

(2) The power to borrow money conferred by this section shall be in addition to any powers for the time being of the Company to borrow on mortgage of the undertaking.

(3) The aggregate amount outstanding at any one time of the money borrowed under this section shall not exceed two hundred thousand pounds.

19. The authorised share capital and the amount which may be borrowed by the Company under the last preceding section of this Act may from time to time be increased to such extent as may be authorised by a Special Order made by the Electricity Commissioners and confirmed by the Minister in accordance with the provisions of the principal Acts and the Company are hereby authorised to make application for and the Electricity Commissioners to make and the Minister to confirm such Order accordingly Provided that a Special Order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modification by a resolution passed by each such House.

Increase of
capital
powers by
Special
Order.

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Redeemable
preference
capital and
debenture
stock.

20.—(1) In this section unless the context otherwise requires—

“stock” means and includes preference stock and debenture stock;

“preference stock” includes preference shares;

“issue” includes re-issue;

“redeemable stock” means any stock issued under the powers of this section so as to be redeemable;

“redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock:

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of a general meeting of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

Provided that—

(a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be stock actually issued and accepted for the purpose of section 15 (Borrowing powers) of this Act.

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(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine. Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

21.—(1) Notwithstanding anything in the Act of 1902 or this Act or any Act incorporated therewith respectively the Company on any offer to the public of shares stock debenture stock mortgages or other securities which the Company may at any time be authorised to issue may pay a commission not exceeding (except with the consent of the Minister) five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for such shares stock debenture stock mortgages or other 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

Power to
pay com-
missions.

A.D. 1936. — Company inviting subscriptions or offers for such shares stock debenture stock mortgages or other securities.

(2) Nothing in this section shall affect any power of the Company to pay brokerage.

As to disposal of share capital.

22. Notwithstanding anything in the Companies Clauses Acts 1845 to 1889 the Company may when issuing any unissued portion of the authorised share capital dispose of all or any of the shares or stock representing such capital at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

Exercise of borrowing powers by directors.

23. Notwithstanding anything in any Act relating to the Company the directors may from time to time by virtue of this section and without further or other sanction or authority exercise any powers for the time being vested in the Company of borrowing and reborrowing on mortgage or temporary loan and of creating and issuing debenture stock.

Appointment of receiver.

24. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or 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.

Power to pay interest out of capital.

25.—(1) Notwithstanding anything in the Act of 1902 or this Act or any Act incorporated therewith respectively the Company may out of any money which the Company are or may from time to time be authorised by any Act or Order to raise pay and charge to capital account interest at such rate not exceeding (except with the consent of the Electricity Commissioners which consent those commissioners are hereby authorised to give) six per centum per annum as the directors may determine to any holder of any shares issued or granted by the Company after the passing of this Act (other than shares issued under the powers conferred by section 52 (Consideration for transfer) of this Act) on the amount from time to time paid up on such shares held by him from the respective times of such payments until the

expiration of five years from the date or respective dates of the payments or during such less period as the directors may determine but subject to the following conditions:—

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- (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 twenty-five thousand pounds;
- (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 issued or published by or on behalf of the Company after the passing of this Act inviting subscriptions for any shares with respect to which the directors may have determined that such interest shall be paid and in every certificate of such shares;
- (d) The accounts of the Company for any year in which interest has been paid in pursuance of this section shall show the amount of capital on which such interest has been paid and the aggregate amount of interest so paid.

(2) Save as set forth in subsection (1) of this section no interest shall be paid out of any share or loan capital which the Company are by the Act of 1902 or 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.

(3) In this section the word "share" includes stock but not debenture stock and the word "shareholder" shall be construed accordingly.

26.—(1) Notwithstanding anything in the Act of 1902 or this Act or any Act incorporated therewith respectively the Company may out of any money which the Company are or may from time to time be authorised by any Act or Order to raise pay and charge to capital account interest at such rate not exceeding (except with the consent of the Electricity Commissioners which consent those commissioners are hereby authorised to

Power to pay interest on borrowed money out of capital.

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give) four per centum per annum as the directors may determine on the amount of any moneys borrowed on mortgage or temporary loan or raised by the issue of debenture stock until the expiration of five years from the date or respective dates of the borrowing or issue thereof.

(2) The aggregate amount to be so paid for interest shall not exceed twenty-five thousand pounds.

Power to
purchase
irredeem-
able debenture
stock.

27.—(1) The Company may at any time and from time to time purchase by agreement any irredeemable debenture stock issued under any Act or Order relating to the Company and for that purpose may apply any money for the time being in their hands which they are entitled to apply to capital purposes and also subject to the sanction of a resolution of a general meeting any other money or funds for the time being in their hands.

(2) Any debenture stock purchased under the provisions of this section may at the option of the directors be retained by the Company and registered in the name of the Company or be at any time cancelled and extinguished.

(3) If any debenture stock is purchased by the Company under the provisions of this section and is thereafter cancelled and extinguished the Company may subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 23 (Debenture stock) of the Act of 1902 reissue that debenture stock or issue in lieu thereof other debenture stock not exceeding the nominal amount of the debenture stock so cancelled and extinguished.

Application
of moneys.

28.—(1) All money raised by the Company under this Act whether by shares stock or debenture stock or by borrowing shall be applied only to the purposes of the undertaking to which capital is properly applicable.

(2) The Company may apply to any purposes of the undertaking to which capital is properly applicable any money which they have raised or may hereafter raise under the Act of 1902 and which may not be required for the purposes for which it was authorised to be raised.

Company
not bound
to regard
trusts.

29. The Company shall not be bound to see to the execution of any trust whether express implied or constructive to which any stock mortgages or debenture

stock issued or granted by the Company may be subject and the provisions of section 20 of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis extend and apply to any such stock mortgages or debenture stock as if such stock mortgages or debenture stock were shares to which that section applies.

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PART III.

ADMINISTRATIVE PROVISIONS.

30. In this Part of this Act unless the context otherwise requires—

Definitions
for Part III.

“ordinary shares” means ordinary shares in the capital of the Company and shall include ordinary stock in the capital of the Company if the Company shall hereafter issue ordinary stock;

“preference shares” means preference shares in the capital of the Company and shall include preference stock in the capital of the Company if the Company shall hereafter issue preference stock;

“shares” includes ordinary shares and preference shares and “shareholder” shall be construed accordingly.

31. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the ordinary meetings of the Company shall (except as the Company may from time to time by a resolution of a general meeting otherwise determine) be held once only in each year in such month and at such time and place as the directors may from time to time determine.

Annual
meetings.

32. Any meeting of the Company whether ordinary or extraordinary may (if the directors so determine) be convened by notice delivered at or sent by post to the registered address or other known address of each shareholder not less than six clear days before the date of the meeting. In proving that any such notice has been posted 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
general
meetings.

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Quorum
for general
meetings.

33. For the purposes 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 five shareholders entitled to vote at the meeting.

Voting at
general
meetings.

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

(2) At any meeting of the Company (whether ordinary or extraordinary) a poll may be demanded by the chairman of the meeting or by any three shareholders present personally and entitled to vote at the meeting.

(3) Where a corporation being a holder of ordinary shares or of preference shares to which voting rights are attached is present by a proxy who is not a holder of shares in the capital of the Company such proxy shall be entitled to vote for such corporation on a show of hands.

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

Appoint-
ment of
proxies.

35. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy. Provided that the instrument appointing the attorney or if it has been deposited in the central office of the Supreme Court an office copy thereof shall be sent to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

36. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any share any one of those persons may vote at any meeting.

either personally or by proxy in respect of the share 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 shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased shareholder in whose name any share stands shall for the purposes of this section be deemed joint holders thereof. A.D. 1936.
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37.—(1) The qualification of a director shall be the possession of shares of a total nominal amount of not less than five hundred pounds. As to directors.

(2) 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 an ordinary 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 head office of the Company not less than seven clear days before the day of election.

(3) In the case of a retiring director notice of opposition to his re-election shall be given in like manner.

(4) The continuing directors may act notwithstanding any vacancy in their body but if at any time the number of the directors shall be less than the minimum number prescribed by section 26 (Number of directors) of the Act of 1902 the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below that minimum.

(5) If any director shall devote to the business of the Company either his whole time and attention or more of his time and attention than in the opinion of the directors of the Company would usually be so devoted by a person holding such office or shall undertake or perform any duties or services other than those which in the opinion of such directors would usually be undertaken or performed by a person holding such office or shall be called upon to perform and shall perform extra services for any of the purposes of the Company then and in any of such cases the directors may remunerate the director so doing either by a fixed sum annual or otherwise or in

A.D. 1936. — such other manner as shall be determined by the directors and such remuneration may at the discretion of the directors be either in addition to or in substitution for all or any part of any other remuneration to which such director may be entitled :

Provided that the amount of such remuneration shall be disclosed in the next annual report of the directors or in the next annual accounts of the Company.

Exercise of minor powers by one director.

38. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any shares or other securities of the Company and of executing any other minor powers exerciseable by the directors.

Managing directors.

39.—(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 ceases 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 at an ordinary 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 exerciseable 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.

Register of shareholders and shareholders' address book.

40. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory on the Company—

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof

the Company may if they think fit keep one register only containing such particulars as are required by that Act to be entered in the register of shareholders and the shareholders' address book respectively; or

A.D. 1936.

- (b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

41. Any registered holder of shares debenture stock or mortgages of the Company of any class whose address is not in Great Britain shall from time to time name an address within Great Britain which shall for the purposes of the Company be deemed to be the address of the holder and shall be entered in the shareholders' address book or any register which the Company may keep in lieu thereof under the last preceding section or the register of debenture stock or the register of mortgages kept by the Company in pursuance of section 28 of the Companies Clauses Act 1863 and section 45 of the Companies Clauses Consolidation Act 1845 respectively and it shall not be obligatory on the Company to send any notice to any such holder otherwise than to an address so named.

Addresses of
shareholders
&c. abroad.

42. Notwithstanding anything in the Companies Clauses Acts 1845 to 1889 it shall not be obligatory on the Company to keep a register of transfers of shares or a register of transfers of debenture stock or mortgages so long as the Company in lieu of those registers shall keep a file of all transfers and evidences of transmission of any shares debenture stock or mortgages of the Company which are sent to them for registration in accordance with the provisions of those Acts.

Registers of
transfers.

43.—(1) The directors may close the register of transfers of shares of any class or of any file of such transfers kept by the Company in lieu of any such register in pursuance of the last preceding section for a period not exceeding fourteen days previous to the payment of any dividend on any such shares and may close the register of transfers of debenture stock or mortgages of the Company of any class or of any file of such transfers kept by the Company in lieu of any such register in pursuance of the last preceding section for a period not exceeding fourteen days previous to the payment of any

Closing of
transfer
books.

A.D. 1936. interest on any such debenture stock or mortgages and
— the directors may in any such case fix a day for the closing
of any register or file which they are authorised to close
under the provisions of this section. Seven days' notice
of the closing of any such register or file shall be given
by advertisement in some newspaper published and
circulating within the area of supply.

(2) Any transfer of any shares or debenture stock
or mortgages lodged for registration with the Company
while the register or file of transfers relating to shares
or debenture stock or mortgages of the same class is so
closed shall as between the Company and the person
claiming under the transfer but not otherwise be con-
sidered as made subsequently to the payment of any
such dividend or interest.

Indemnity
may be
required
before
issue of
substituted
certificates
&c.

44. Notwithstanding anything in section 13 of the
Companies Clauses Consolidation Act 1845 or in any
other enactment the Company shall not be under any
obligation to issue a new mortgage or a new certificate
of any shares or debenture stock of any class or a new
warrant for any dividend or interest in lieu of any
mortgage certificate or warrant lost or destroyed or
alleged to be lost or destroyed until they have received
from the person to whom such new mortgage certificate
or warrant is to be issued such indemnity as the directors
may require against any and every claim or expense
which may be made against the Company or which the
Company may incur in respect of such lost or destroyed
mortgage certificate or warrant or the principal money
shares debenture stock dividend or interest represented
thereby.

Interim
dividends
and annual
accounts.

45. If and so long as the ordinary meetings of the
Company shall be held once only in each year—

(a) it shall be lawful for the directors without the
sanction or direction of a general meeting to pay
in any year an interim half-yearly dividend on
the capital of the Company out of the funds
and revenues of the Company applicable to the
payment of dividends; and

(b) section 116 of the Companies Clauses Consolidation
Act 1845 shall in its application to the Company
have effect as if the words "preceding period
of twelve months" were substituted therein for
the words "preceding half-year."

46.—(1) It shall be lawful for the Company at any ordinary meeting to elect one person or two persons or a firm of accountants qualified as mentioned in subsection (2) of this section as auditor or auditors of the accounts of the Company and any person or persons or firm so elected at any ordinary meeting shall hold office until the next ordinary meeting. A.D. 1936.
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Auditors.

(2) A person shall not be qualified to be elected an auditor of the accounts of the Company unless he be and a firm of accountants shall not be so qualified unless every member of the firm be a member of one or more of the bodies named in subsection (3) (b) of section 239 of the Local Government Act 1933 and it shall not be necessary for such auditor or the members of such firm to hold any shares or stock in the capital of the Company. 23 & 24
Geo. 5. c. 51.

(3) No person or firm of accountants not being a retiring auditor or auditors of the accounts of the Company shall be eligible to be elected at any general meeting as auditor or auditors of the accounts of the Company unless notice in writing that such person or firm will be proposed for election as an auditor or auditors of the accounts of the Company shall have been given to the secretary or left at the head office of the Company not less than five clear days before the date of the meeting. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor or auditors and during such five 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 die or resign the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

47. 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. Determination of remuneration of secretary &c.

48. Notwithstanding anything in any Act relating to the Company any contract or agreement 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. As to contracts.

A.D. 1936.

—
Power to
make super-
annuation
allowances
&c.

49.—(1) The Company may grant such gratuities pensions or superannuation allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependants of any such employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made.

(2) The Company may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employees widow family or dependants as aforesaid 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.

PART IV.

WORKS AND SUPPLY OF ELECTRICITY.

Transfer of
under-
takings to
Company
by agree-
ment.

50.—(1) The Company may by agreement (but not otherwise) acquire from the undertakers for the time being for any of the Electricity Orders mentioned in the schedule to this Act (hereinafter in this section referred to as “the scheduled Orders”) or from any other undertakers (whether a local authority company or other body or persons) to whom an Electricity Order 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 for any of the scheduled Orders or for any other such Electricity Order as aforesaid 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 Electricity 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 the undertaking authorised by any Electricity Order be acquired by the Company under this section that undertaking shall be subject to the provisions of section 2 of the Electric Lighting Act 1888 whether the undertakers are a local authority or not Provided that if the undertakers for any undertaking so acquired by the Company are a local authority the periods at which the local authority may under the provisions of the said section 2 repurchase such undertaking or so much thereof as is within their jurisdiction shall unless otherwise provided by the deed transferring the undertaking to the Company be reckoned from the date of the acquisition thereof by the Company;
 - (c) None of the provisions of any such Electricity Order or of the principal Acts shall extend to authorise the repurchase by any local authority of any generating station or other works of the Company which are not exclusively used or required for the purposes of supplying electricity under such Order within the area defined by such Order;
 - (d) 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) References in this section to an Electricity Order shall be deemed to include references to any Act or Acts

A.D. 1936. — of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

(3) 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.

(4) Any capital moneys received by the Company on the repurchase of any undertaking transferred to the Company in pursuance of this section may be applied by the Company to any purposes of the Act of 1902 or this Act or any Electricity Order for which the Company are for the time being the undertakers and being purposes to which capital is properly applicable.

Acquisition of generating stations &c. by agreement.

51.—(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 or adjoining the area of supply and any such undertakers may transfer or lease 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 authorised by the Act of 1902 and this Act.

(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. A.D. 1936.

(4) Nothing in this section shall authorise the Company except with the consent of the Electricity Commissioners to acquire any powers rights authorities or privileges of any undertakers with respect to the supply of electricity or to purchase or take on lease (other than a lease for a term ending before the expiry of seven years from the passing of this Act) any generating station or main transmission line.

(5) If any generating station acquired by the Company under the provisions of this section is or shall become a selected station for the purposes of a scheme under the Electricity (Supply) Act 1926 then in construing section 13 of that Act such station shall be deemed to be an existing generating station only to the extent to which the Company are supplied by the Central Electricity Board for the purposes of the undertaking of which the station formed part immediately before the date of its acquisition by the Company. 16 & 17
Geo. 5. c. 51.

52.—(1) The consideration payable by the Company in respect of the transfer to them of— Consideration for transfer.

(i) any undertaking or part of an undertaking or any powers rights authorities and privileges in pursuance of section 50 (Transfer of undertakings to Company by agreement) of this Act; or

(ii) any generating station sub-station or works in pursuance of the last preceding section of this Act;

may if the local authority or other 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 stock debenture stock or mortgages of the Company of any class and any such undertakers may accept hold and dispose of such shares stock debenture stock or mortgages Provided that any capital money received by any undertakers being a local authority from the disposal of any such shares stock

A.D. 1936. — debenture stock or mortgages shall be applied by them in manner provided by paragraph (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

(2) All shares stock debenture stock or mortgages issued for the purposes of this section shall for all purposes be deemed to be fully paid up.

Financial
arrange-
ments with
other
undertakers
&c.

53.—(1) The Company may subscribe for purchase hold and dispose of shares or stock of any company taking or agreeing to take a supply of electricity from the Company or establishing or about to establish factories or electrical or other works within the area of supply and may lend money on mortgage or bond or other security to any such company or to any firm or person taking or agreeing to take a supply of electricity from the Company or establishing or about to establish factories or electrical or other works within the area of supply Provided that the aggregate amount so subscribed and lent by the Company under this section and not paid off shall not at any one time exceed fifty thousand pounds.

(2) The Company may also by agreement with the proprietor of any share stock or securities of any such company as aforesaid effect exchanges of shares stock or securities of the Company for all or any of the shares stock or securities of the proprietor and on such terms and conditions as the directors may think fit.

Power to
manage
under-
takings or
generating
stations &c.
of other
undertakers.

54. The Company and the undertakers under any Electricity Order relating to an area of supply within or partly within or adjoining the area of supply as defined in section 5 (Interpretation) of this Act or the area of supply under any Electricity Order for which the Company are for the time being the undertakers or any other area within which the Company are for the time being authorised to supply electricity 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 other undertakers upon and subject to such terms and conditions as may be agreed between the Company and such other undertakers.

55. The provisions of section 16 of the Electricity (Supply) Act 1919 as modified and set forth in the Fourth Schedule to the Electricity (Supply) Act 1926 and as amended by the Electricity (Supply) Act 1928 shall extend and apply in the case of—

- (a) the acquisition by the Company of an undertaking or part of an undertaking under the powers conferred by section 50 (Transfer of undertakings to Company by agreement) of this Act;
- (b) the purchase taking on lease or other acquisition by the Company of a generating station or works under the powers conferred by section 51 (Acquisition of generating stations &c. by agreement) of this Act;
- (c) the management by the Company of the whole or part of an undertaking generating station or other works in pursuance of an agreement or arrangement under section 54 (Power to manage undertakings or generating stations &c. of other undertakers) of this Act;
- (d) the cessation of operation or change in the method of operation of any generating station or works in consequence of any such acquisition purchase taking on lease or management as is referred to in the foregoing paragraphs (a) (b) and (c);

as if such acquisition purchase taking on lease or management were an acquisition of a generating station under or in consequence of the said Act of 1926 and as if any such cessation of operation or change in method of operation were a restriction on the working or use of a generating station under or in consequence of that Act.

For the purposes of this section the Fourth Schedule to the said Act of 1926 shall be read and have effect as if the words "employed on an annual salary" in the proviso to that schedule were omitted and the expression "officer" meant a person employed in the performance of administrative professional clerical supervisory or technical duties not being a person employed by way of manual labour at a weekly or less than a weekly wage.

56. A consumer 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 energy within the meaning of

A.D. 1936.
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Compensation for deprivation of employment.
9 & 10 Geo. 5. c. 100.
19 & 20 Geo. 5. c. 4.

Supply of electricity by agreement.

A.D. 1936. — section 30 (Penalty for failure to supply) of the schedule to the Electric Lighting (Clauses) Act 1899 and—

- (a) the provisions of that section shall apply to the supply afforded by the Company under the agreement; and
- (b) any failure on the part of the Company to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the failure be caused by or in consequence of the wilful neglect or default of the Company:

Provided that—

- (i) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Company under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions; and
- (ii) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section.

Use of
trans-
formers.

57. Where a separate transformer is provided at the expense of the Company for the purpose of affording a supply of electricity to any consumer the Company may subject to the provisions of the agreement under which the transformer was provided use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Company to extend the transformer so provided beyond the limits of the original site thereof.

Restricting
use of
electricity
for other
purposes.

58.—(1) Where the charges made by the Company for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Company for the first-mentioned purpose shall not without the consent in writing of the Company be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is

supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day on which the offence is committed after conviction.

A.D. 1936.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Company within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate.

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

59. Notwithstanding anything in the Act of 1902 or this Act or any enactment incorporated therewith respectively the Company may refuse to supply electricity—

Power to refuse to supply in certain cases.

(i) to any person from whom any payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bona fide dispute) whether the payment be due to the Company in respect of the premises for which a supply is demanded or in respect of other premises; or

(ii) to any person who is neither an authorised distributor as defined in the Act of 1902 nor the owner or occupier of the premises for which the supply is required.

60.—(1) A notice to the Company from a consumer for the discontinuance of a supply of electricity shall not 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.

Form of notice to discontinue supply.

(2) Notice of the effect of this section shall be given on any demand note for charges for electricity.

A.D. 1936.

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Agreements
for execu-
tion of works
&c.

61. The Company on the one hand and any undertakers or other 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 erection alteration maintenance or repair by any such person on behalf of the Company or by the Company on behalf of any such person of electric lines or other works and of 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 apparatus or powers shall be subject to any statutory provisions or regulations which would have related to the execution or exercise thereof by any such person or by the Company as the case may be.

Agreements
with railway
and canal
companies
for works.

62. The Company on the one hand and any railway company or canal company whose railway or canal 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 erection alteration maintenance repair and use of electric lines and works for the purposes of the Act of 1902 and this Act upon across or affecting any railway canal bridge or other property of any such railway company or canal company :

Provided that subsections (4) and (5) of section 22 of the Electricity (Supply) Act 1919 shall so far as applicable extend and apply to the execution of any works under any agreement made in pursuance of the provisions of this section.

PART V.

MISCELLANEOUS.

Power to
retain and
sell &c.
lands.

63. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of to such persons in such manner and for such consideration and on such terms and conditions as they

may think fit and in case of sale either in consideration of the payment of a gross sum or of an annual rent or of any payment in any other form any lands acquired at any time by them or any interest in any such lands and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

A.D. 1936.

64.—(1) The Company may erect and maintain upon any lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do and may acquire and hold houses and dwellings for their employees and other buildings in connection with or for the purposes of the undertaking.

Dwelling-
houses and
recreation
grounds for
employees.

(2) The Company may by agreement purchase or take on lease and maintain lands to be used by their employees for the purposes of recreation and may let or allow the use for those purposes of any lands for the time being belonging to or held on lease by them.

65. 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 applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons
under
disability
may grant
easements.

66.—(1) The powers conferred on the Company by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:—

Further
powers as
to entry
upon
premises.

- (a) the premises which may be entered shall include all premises in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Company;

A.D. 1936.
—

(b) the purposes for which premises may be entered shall include the inspection of all electric fittings on the premises whether belonging to the Company or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Company or of any regulation or byelaw made thereunder and (where the Company are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Company shall not have any power of entry into any such premises except through an officer duly authorised by the Company who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Company to any premises which they are entitled to enter in pursuance of the said section 24 as extended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section as so extended shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding twenty shillings for every day on which the offence is continued after conviction.

(3) For the purposes of this section "electric fittings" include electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purposes of their railway undertaking and forming part of any station or goods depot.

Recovery
summarily
of sums
due for
fittings.

67.—(1) If the Company commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Company in respect of the sale or hire of any electric fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily if the amount due or payable in respect thereof does not exceed twenty pounds.

(2) In this section the expression "electric fittings" has the same meaning as in section 48 of the Electricity (Supply) Act 1926. A.D. 1936. —

68. If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connection with the supply of electricity by the Company or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds. Penalty for interference with works.

69. Any notice to be served by the Company on a person supplied with electricity shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors being affixed thereto in writing or in print or by a stamp. Authentication of notices by Company.

70. Save as is otherwise by the Act of 1902 and this Act expressly provided all offences against the Act of 1902 and this Act and all penalties forfeitures costs and expenses imposed or recoverable under the Act of 1902 and 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.

71. Proceedings for the recovery of any demand made under the authority of the Act of 1902 or this Act or any subsequent Act relating to the Company 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 an action founded on contract or tort. Recovery of demands.

72.—(1) If and when the Company shall have acquired pursuant to section 50 (Transfer of undertakings to Company by agreement) of this Act the undertakings respectively authorised by any two or more Electricity Orders relating to a district or place within the area of As to purchase of transferred undertakings.

A.D. 1936. — supply the provisions of this section shall apply with respect to the purchase of the respective undertakings authorised by any Electricity Orders which relate to a district or place within the area of supply and for which the Company shall at the date of purchase (as hereinafter defined) be the undertakers but without prejudice to any right referred to in the next succeeding section of this Act of any local authority or other body to purchase the whole or any part of any such undertaking.

(2) In this section—

“ the specified Orders ” means all of the Electricity Orders which relate to a district or place within the area of supply and for which the Company shall be the undertakers at the date of purchase ;

“ the purchasing authority ” means the authority mentioned in subsection (3) of this section ;

“ the date of purchase ” means the date of expiry of any notice served by the purchasing authority under subsection (4) of this section ;

“ the distribution area ” means the area comprising the whole of the respective areas of supply for the purposes of the several specified Orders.

(3) For the purposes of the following provisions of this section the purchasing authority shall be the authority herein mentioned :—

(i) If at the date of purchase the distribution area is situate wholly or mainly within the district of a joint electricity authority the purchasing authority shall be that joint electricity authority Provided that if at the date of purchase the distribution area is situate partly within the district of one joint electricity authority and partly within that of another the right of purchase under the following provisions of this section shall be exercised by such one of those authorities or shall be divisible between them as the Electricity Commissioners shall determine ;

(ii) If at the date of purchase the distribution area is not situate wholly or mainly within the district

of a joint electricity authority the purchasing authority shall be— A.D. 1936.

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

(b) the county council of the administrative county of Cornwall; or

(c) some other public body duly authorised by Parliament to purchase the whole of the said undertakings;

as the Minister may determine.

(4) The purchasing authority may by not less than six months' previous notice in writing expiring on the first day of January in the year nineteen hundred and seventy or in any subsequent tenth year require the Company to sell and the Company if so required shall sell to the purchasing authority on the date of purchase and on the terms mentioned in the next succeeding subsection the whole of the respective undertakings authorised by the several specified Orders except any generating station or other works of the Company which at the date of purchase are not exclusively used or required for the purpose of supplying electricity under the specified Orders:

Provided that it shall not be lawful for the purchasing authority to purchase under this section the undertaking authorised by any of the specified Orders unless the purchasing authority purchases at one and the same time the whole of the respective undertakings (except as aforesaid) authorised by the several specified Orders.

(5) The terms of purchase under this section of the undertaking authorised by any of the specified Orders shall be the payment to the Company of a sum equal to the aggregate capital properly expended by the Company or any former undertakers for the purpose of such Order prior to the date of purchase in the provision of the lands buildings works materials and plant of the Company in use or available and suitable for use at the date of purchase for the purposes of such undertaking (except as aforesaid) less depreciation according to such scale as may have been prescribed by a Special Order

A.D. 1936. — made in pursuance of paragraph (a) of subsection (1) of section 39 of the Electricity (Supply) Act 1926.

(6) Any sum payable by the purchasing authority to the Company under this section shall be due and paid on the date of purchase and if not then paid shall carry interest at the rate of five per centum per annum from that date until the date of payment and shall together with such interest be recoverable by the Company from the purchasing authority as a simple contract debt.

(7) As from the date of purchase all lands buildings works materials and plant forming part of the respective undertakings authorised by the several specified Orders (except any generating station or other works of the Company which at the date of purchase are not exclusively used or required for the purpose of supplying electricity under the specified Orders) shall vest in the purchasing authority freed from all debts mortgages or similar obligations of the Company or attached to any of such undertakings and the powers of the Company in relation to the supply of electricity under the specified Orders shall absolutely cease and determine and shall vest in the purchasing authority.

Saving of certain existing rights of purchase.

73. Nothing in the last preceding section of this Act shall prejudice or affect any right existing at the passing of this Act of any local authority to purchase the undertaking or part of the undertaking authorised by any Electricity Order relating to a district or place within the area of supply pursuant to the powers conferred by section 2 of the Electric Lighting Act 1888 or any such right of a local authority or any purchasing authority as defined in section 39 of the Electricity (Supply) Act 1926 (as the case may be) to purchase any such undertaking or part of an undertaking pursuant to any power conferred or applied by any of the following sections :—

Callington and District Electricity Special Order 1924	- - -	Section 9
Camborne Electric Lighting Order 1899		Section 58
East Cornwall Electricity Special Order 1933	- - - - -	Section 11
Illogan Electric Lighting Order 1903	-	Section 8
Launceston Electric Lighting Order 1912		Section 11
Newquay Electric Lighting Order 1904	-	Section 11

Penzance Electric Lighting Order 1904 -	Section 10	A.D. 1936.
Redruth Electric Lighting Order 1900 -	Section 8	—
West Cornwall Electricity Special Order 1928 - - - - -	Section 17	

or any right of the Falmouth Corporation under the deed transferring to the Electric Supply Corporation Limited the undertaking authorised by the Falmouth Electric Lighting Order 1903 to re-purchase that undertaking :

Provided that nothing in this section shall be construed as authorising any local authority or purchasing authority to exercise any right to purchase the undertaking or part of the undertaking authorised by any Electricity Order referred to in this section without the consent of the Electricity Commissioners if such right as existing at the passing of this Act could not have been exercised except with the consent of the Electricity Commissioners.

74. For the purposes of section 13 of the Electric Lighting Act 1882 in its application to the Company in relation to the undertaking authorised by the Act of 1902 and this Act and the undertaking authorised by any Electricity Order for which the Company are for the time being the undertakers and for the purposes of section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with the Act of 1902 and this Act and any such Electricity Order a county council shall be deemed to be a local authority. As to county roads.

75.—(1) If the Company shall pursuant to section 50 (Transfer of undertakings to Company by agreement) of this Act acquire the undertaking authorised by the West Cornwall Electricity Special Order 1928 then for the purpose of determining the prices which may be charged by the Company for electricity supplied by them as the undertakers for that Order sections 17 and 18 of that Order shall have effect as if references to the whole undertaking of the Company as for the time being authorised by the Act of 1902 and this Act and any Electricity Order for which the Company are for the time being the undertakers were substituted in paragraph (c) of subsection (2) of section 17 and in section 18 of that Order for the references therein to the undertaking authorised by the said Order of 1928. Relation of prices to dividends.

A.D. 1936.

(2) If the Company shall pursuant to the said section 50 of this Act acquire the undertaking authorised by the East Cornwall Electricity Special Order 1933 then for the purpose of determining the prices which may be charged by the Company for electricity supplied by them as the undertakers for that Order sections 11 and 12 of that Order shall have effect as if—

- (i) references to the whole undertaking of the Company as for the time being authorised by the Act of 1902 and this Act and any Electricity Order for which the Company are for the time being the undertakers were substituted in subsection (2) of the said section 11 for references to the undertaking authorised by that Order; and
- (ii) references to the whole of the preference capital or the whole of the ordinary capital or the whole of the capital of the Company respectively were substituted in the said subsection (2) for the references to the preference capital or the ordinary share capital or the capital of the Company attributable to the undertaking authorised by that Order.

(3) If the Company shall pursuant to the said section 50 of this Act acquire the undertaking authorised by any of the Orders mentioned in the schedule to this Act (other than the West Cornwall Electricity Special Order 1928 and the East Cornwall Electricity Special Order 1933) then the provisions of subsection (2) of section 11 and section 12 of the East Cornwall Electricity Special Order 1933 shall apply for the purpose of determining the prices which may be charged by the Company for electricity supplied by them as the undertakers for the Order by which the undertaking so acquired is authorised as if the said subsection (2) and section 12 were enacted in such Order subject to the substitution in subsection (2) of the said section 11 of—

- (i) references to the Company for references to the East Cornwall Electricity Supply Company Limited;
- (ii) references to the whole undertaking of the Company as for the time being authorised by the Act of 1902 and this Act and any Electricity Order for which the Company are for the time

being the undertakers for references to the A.D. 1936.
undertaking authorised by such order; and

- (iii) references to the whole of the preference capital or the whole of the ordinary capital or the whole of the capital of the Company respectively for references to the preference capital or the ordinary share capital or the capital of the Company attributable to the undertaking authorised by such Order.

(4) Section 51 (Relation of price to dividend) of the Act of 1902 shall have effect as if the references in subsections (2) and (3) of that section to the average prices per unit obtained by the Company for energy supplied by them meant the average price per unit so obtained for energy supplied by the Company otherwise than under any Electricity Order for which the Company are for the time being the undertakers.

76.—(1) Notwithstanding anything in section 9 of the Electric Lighting Act 1882 (as amended by section 6 of the schedule to the Electric Lighting (Clauses) Act 1899) in its application to the Company in respect of the several undertakings from time to time belonging to them whether authorised by the Act of 1902 and this Act or by any subsequent Act or by any Electricity Order for which the Company are for the time being the undertakers it shall not be necessary for the Company to fill up a separate annual statement of accounts in respect of each of such undertakings but they shall fill up one annual statement of accounts in respect of all of such undertakings. Form of accounts.

(2) Each annual statement of accounts to be filled up by the Company pursuant to this section shall be in such form and contain such particulars and be published in such manner as may from time to time be prescribed in that behalf by the Electricity Commissioners.

(3) Subject to the provisions of this section the provisions of the said section 9 of the Electric Lighting Act 1882 (as amended as aforesaid) shall extend and apply to each annual statement of accounts to be filled up pursuant to this section.

77.—(1) The Company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register it. If such copy is not so delivered within three months from the passing of this Act the Copy of Act to be registered.

A.D. 1936. — Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Company on such copy being registered the fee of five shillings.

Saving
rights of
Duchy of
Cornwall.

26 & 27 Vict.
c. 49.

78. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said duchy) the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Repeal.

79. The following sections of the Act of 1902 are hereby repealed:—

Section 22 (For appointment of a receiver);

Section 27 (Qualification of directors);

Section 53 (Payment of interest out of capital);

Section 58 (Recovery of demands under fifty pounds).

Costs of
Act.

80. 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.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1936.

LIST OF ELECTRICITY ORDERS AND PRESENT
UNDERTAKERS THEREOF.

Column 1. Name of company.	Column 2. Orders applicable to that company.
Callington and District Electric Supply Company Limited.	Callington and District Electric Special Order 1924.
Camborne Electricity Supply Company Limited.	Camborne Electric Lighting Order 1899.
East Cornwall Electricity Supply Company Limited.	East Cornwall Electricity Special Order 1930. East Cornwall Electricity Special Order 1933. East Cornwall Electricity Special Order 1934.
Launceston and District Electric Supply Company Limited.	Launceston Electric Lighting Order 1912.
Liskeard Gas and Electricity Company Limited.	Liskeard Electricity Special Order 1929.
Newquay Electric Light and Power Company Limited.	Newquay Electric Lighting Order 1904.
Penzance and District Electric Supply Company Limited.	Penzance Electric Lighting Order 1904.
Truro Electricity Supply Com- pany Limited.	Truro Electricity Special Order 1926.
Urban Electric Supply Company Limited.	Illogan Electric Lighting Order 1903. Redruth Electric Lighting Order 1900.
West Cornwall Electricity Supply Company Limited.	West Cornwall Electricity Special Order 1928.

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