

[26 GEO. 5. & North Metropolitan Electric [Ch. lxi.]
1 EDW. 8.] Power Supply Act, 1936.



CHAPTER lxi.

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

WHEREAS the North Metropolitan Electric Power Supply Company were incorporated by Act of Parliament in 1900 and by the North Metropolitan Electric Power Supply (Consolidation) Act 1928 all former Acts of the Company were repealed and the provisions thereof were consolidated in that Act and by the North Metropolitan Electric Power Supply Act 1932 further powers were conferred on the Company :

63 & 64 Vict.
c. cclxxvi.
18 & 19
Geo. 5.
c. cxviii.
22 & 23
Geo. 5.
c. lxxv.

And whereas the capital of the Company authorised by the said Acts of 1928 and 1932 is five million pounds and the issued capital of the Company on the twentieth day of March nineteen hundred and thirty-six consisted of one million four hundred thousand pounds six per centum cumulative preference stock and two million seven hundred and eighty-one thousand five hundred and eight pounds ordinary stock :

And whereas the loan capital of the Company raised under the powers of the said Acts and outstanding on the twentieth day of March nineteen hundred and thirty-six consisted of mortgages or debentures of the amount of one hundred and ninety-eight thousand two hundred pounds one million two hundred and twenty-five thousand one hundred and sixty-one pounds four per centum redeemable debenture stock and six hundred and twenty-five thousand pounds three and a quarter per centum redeemable debenture stock.

[Price 6d. Net]

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— And whereas the demands for a supply of electricity within the Company's limits of supply continue to increase and for the purpose of enabling the Company to meet those demands and to fulfil their obligations it is expedient that the authorised capital and borrowing powers of the Company be increased :

And whereas it is expedient that further 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 purposes of this Act cannot be effected without the authority of Parliament :

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

Short and collective titles:

1.—(1) This Act may be cited as the North Metropolitan Electric Power Supply Act 1936.

(2) The North Metropolitan Electric Power Supply Acts 1928 and 1932 and this Act may be cited together as the North Metropolitan Electric Power Supply Acts 1928 to 1936.

Application of Electricity Acts. 62 & 63 Vict. c. 19.

2.—(1) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 are incorporated with and form part of this Act subject as follows :—

(a) Sections 2 to 5 7 to 9 21 to 29 30 (so far as respects supply to authorised undertakers) 31 to 37 41 48 60 63 to 68 subsection (3) of section 69 sections 75 78 83 and 84 of the schedule shall not apply to the undertaking authorised by the Act of 1928 the Act of 1932 and this Act or to the Company in relation thereto ;

(b) Sections 40 42 43 and 44 of the schedule shall not apply to the portion of the undertaking authorised by the Act of 1928 the Act of 1932 and this Act which is situate in London or to the Company in relation to that portion of the said undertaking ;

(c) The provisions of the schedule which are hereby A.D. 1936.
incorporated with this Act shall be incor-
porated subject to any modification of those
provisions contained in the Act of 1928 the
Act of 1932 or this Act or in the Electricity
(Supply) Acts 1882 to 1936.

(2) The Electric Lighting Act 1888 shall not apply 51 & 52 Vict.
to the undertaking authorised by this Act or to the c. 12.
Company in relation thereto.

3. The following Acts so far as applicable to the Incorpora-
purposes of this Act and not inconsistent with or varied tion of
by the Act of 1928 the Act of 1932 or this Act are Companies
hereby incorporated with this Act :— Clauses
Acts.

The Companies Clauses Consolidation Act 1845 8 & 9 Vict.
as amended by subsequent Acts; c. 16.

The Companies Clauses Act 1863 as amended by 26 & 27 Vict.
subsequent Acts except sections 17 to 20 and c. 118.
the words "and to the same amount as" in
section 22 and except Part IV.

4. In this Act unless the subject or context Interpretation.
otherwise requires—

"the Act of 1928" means the North Metropolitan
Electric Power Supply (Consolidation) Act
1928;

"the Act of 1932" means the North Metropolitan
Electric Power Supply Act 1932;

"the station company" means the North
Metropolitan Power Station Company Limited;

Words and expressions to which meanings are
assigned by section 5 (Interpretation) of the
Act of 1928 other than the expression "the
Distribution Orders" have the same respective
meanings;

Words and expressions to which meanings are
assigned by the Companies Clauses Con- 45 & 46 Vict.
solidation Act 1845 or the Electric Lighting c. 56.
Act 1882 have the same respective meanings
except as otherwise stated in section 5 of the
Act of 1928 and except where there is some-
thing in the subject or context repugnant
to such construction.

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Financial Provisions.

Additional capital.

5. The Company may raise additional capital not exceeding in the whole three million pounds nominal amount and such capital may be created and issued at the option of the Company as shares or stock of any existing class or classes or of any other class or classes or wholly or partially by any one or more of those modes respectively.

Additional borrowing powers.

6.—(1) The Company may in respect of the additional capital which they are by this Act authorised to raise borrow on debenture or mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the total nominal amount of the ordinary and preference shares and stock (of any class) forming part of such additional capital which at the time of borrowing have been actually issued and accepted.

(2) The provisions of subsection (2) of section 6 (Loan capital) of the Act of 1932 shall apply for the purpose of determining the amount which may from time to time be borrowed by the Company under this section as though that subsection (2) were re-enacted in this section.

Power to create debenture stock.

7. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and section 18 (Power to create debenture stock) of the Act of 1928.

First preference capital.

8.—(1) Notwithstanding anything in section 12 (As to first preference capital) of the Act of 1928 any part of the additional capital authorised by section 8 (Share capital) of the Act of 1928 or section 5 (Additional capital) of the Act of 1932 or section 5 (Additional capital) of this Act may be raised by the Company by the creation and issue of first preference shares or first preference stock ranking *pari passu* with the six per centum cumulative preference stock in the capital of the Company existing at the passing of this Act but with such rate of dividend (not exceeding six per centum) whether cumulative or non-cumulative as may be stated in the resolution creating such shares or stock and the holders of such shares or stock shall

be entitled in respect thereof to such rights of voting (if any) and such other powers rights and privileges as may be stated in the same resolution. A.D. 1936.
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(2) Except as otherwise provided by any such resolution the holders of any first preference shares or first preference stock so created and issued shall be entitled to the same powers rights and privileges and be subject to the same liabilities in all respects as the holders of the said existing first preference stock and the first preference shares and first preference stock so created and issued shall except as aforesaid be deemed to be first preference shares or first preference stock (as the case may be) within the meaning of the Act of 1928.

9. The following sections of the Act of 1928 and the Act of 1932 shall so far as the same are applicable extend and apply to and for the purposes of this Act as if those sections with any necessary alterations were re-enacted in this Act :— Application of sections of former Acts.

Act of 1928—

- Section 10 (Nominal value and issue of shares);
- Section 11 (Incidents of new shares and stock);
- Section 13 (As to second preference capital);
- Section 14 (As to special classes of shares and securities);
- Section 15 (Power to subdivide shares);
- Section 17 (Appointment of receiver);
- Section 19 (Power to create second debenture stock);
- Section 26 (Receipt in case of persons not sui juris).

Act of 1932—

- Section 8 (Exercise of borrowing powers by directors).

10. The aggregate amount which may be outstanding at any one time of the money raised by the Company under section 21 (Company may incur temporary loans) of the Act of 1928 as amended by section 7 (Temporary loans &c.) of the Act of 1932 is hereby increased from one million pounds to one Temporary loans.

A.D. 1936. million five hundred thousand pounds and accordingly the proviso to subsection (2) of the said section 21 as amended by the said section 7 shall be repealed and the following proviso shall be substituted therefor in the said section 21 :—

Provided that the aggregate amount outstanding at any one time of the money raised under this section shall not exceed one million five hundred thousand pounds.

Redeemable preference capital and debenture stock.

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

“ Stock ” means and includes preference stock and debenture stock of any class and preference stock includes preference shares ;

“ Issue ” includes re-issue ;

“ Redeemable stock ” means—

(i) any stock issued after the passing of this Act under the powers of this section so as to be redeemable ; and

(ii) any stock issued before the passing of this Act under the powers of the Act of 1928 or of the former Acts or of the Act of 1932 so as to be redeemable and being stock which has not been redeemed before the passing of this Act ;

“ Redeemed stock ” means—

(i) any redeemable stock which has been redeemed ; and

(ii) any stock issued before the passing of this Act under the powers of the Act of 1928 or of the former Acts or of the Act of 1932 so as to be redeemable and which has been redeemed before the passing of this Act ;

and being in either case stock 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 after the passing of this Act and any redeemed stock.

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(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 reasonable 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 nominal amount of any preference stock so created or issued shall not be reckoned for the purpose of determining the amount which may be borrowed by the Company under section 6 (Loan capital) of the Act of 1932 or section 6 (Additional borrowing powers) of this Act.

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture 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 issued after the passing of this Act 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 such redeemable stock is issued

A.D. 1936. 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 other than debenture stock but any discount allowed on the issue or any premium payable on the redemption of any redeemable stock may be written off out of revenue.

(7) Section 20 (Redeemable preference capital and debenture stock) of the Act of 1928 is hereby repealed but notwithstanding that repeal or anything in this section all redeemable stock issued by the Company before the passing of this Act shall remain valid in all respects and continue to be held on and subject to the same terms conditions trusts declarations agreements charges liens and encumbrances in all respects as those on and subject to which such redeemable stock was issued.

Redemption or purchase of loan capital.

12. Any mortgages debentures or redeemable debenture stock granted or issued by the Company under the powers of this Act and which under the conditions of the grant or issue may or are to be repaid or redeemed wholly or partly in cash shall be deemed to be mortgages debentures or redeemable debenture stock to which the provisions of subsections (1) and (2) of section 23 (Redemption or purchase of loan capital) of the Act of 1928 apply and any debentures or debenture stock granted or issued by the Company under the powers of this Act shall be deemed to be debentures or debenture stock to which the provisions of subsection (3) of that section 23 applies and subsection (4) of that section 23 shall have effect accordingly.

As to revision of prices and methods of charge.

13.—(1) If a representation be made to the Minister under section 81 (Revision of prices and methods of charge) of the Act of 1928 for an order altering any such prices or methods of charge as are mentioned in subsections (1) and (2) of that section any sum set aside out of revenue under section 23 (Redemption or purchase of loan capital) of the Act of 1928 or under section 12 (Redemption or purchase of loan capital) of this Act for the purpose of providing for the repayment or redemption of any mortgages debentures or

redeemable debenture stock forming part of any loan capital which— A.D. 1936.

- (i) has been raised by the Company since the passing of the Act of 1928; or
- (ii) shall hereafter be raised by the Company under the powers of the Act of 1928 or the Act of 1932 or this Act;

in respect of any capital raised by the Company prior to the passing of the Act of 1928 under section 4 (Power to raise additional capital) of the Act of 1927 or in respect of the additional capital authorised by section 8 (Share capital) of the Act of 1928 or section 5 (Additional capital) of the Act of 1932 or section 5 (Additional capital) of this Act shall not be taken into account by the Minister as an expense in determining the prices or methods of charge to be prescribed by the order.

(2) Subsection (3) of the said section 81 of the Act of 1928 is hereby repealed.

14.—(1) The Company on any offer to the public of shares stock debentures or debenture stock of any class or any other securities which the Company are or may at any time hereafter 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 debentures debenture stock or securities or procuring or agreeing to procure subscriptions therefor whether absolute or conditional if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are disclosed in the prospectus advertisement or other document of the Company inviting subscriptions or offers for such shares stock debentures debenture stock or securities. Power to pay commissions.

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

(3) Section 22 (Power to pay commissions) of the Act of 1928 is hereby repealed.

15. Section 24 (Power to pay interest out of capital) of the Act of 1928 is hereby repealed. Repeal of section 24 of Act of 1928.

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Financial
arrange-
ments with
other un-
dertakers
&c.

16. The proviso to section 86 (Power to subscribe for shares or lend money to other undertakers &c.) of the Act of 1928 which proviso is set forth in paragraph (i) of section 19 of the Act of 1932 is hereby amended by—

- (a) the substitution of the words “one million five hundred thousand pounds” for the words “one million pounds” therein; and
- (b) the substitution of the words “seven hundred and fifty thousand pounds” for the words “five hundred thousand pounds” therein in both places where the last-mentioned words occur in that proviso.

Application
of capital
money.

17.—(1) All capital money raised by the Company under this Act shall be applied only to the purposes of the Act of 1928 the Act of 1932 and this Act and the general purposes of the undertaking to which capital is properly applicable.

(2) The Company may apply for or towards the purposes of this Act to which capital is properly applicable any money which they have already raised or are authorised to raise under the Act of 1928 or the Act of 1932.

Lands and Generating Stations.

Additional
lands.

18.—(1) The total area of land which may be acquired by the Company by agreement for the general purposes of the undertaking under the powers of subsection (1) of section 59 (Additional lands) of the Act of 1928 as amended by section 13 (Additional lands) of the Act of 1932 is hereby increased from two hundred acres to two hundred and fifty acres and accordingly that subsection (1) shall have effect as if the words from “any further lands” to “acres” were omitted therefrom and the following words were substituted therefor:—

“any further lands within the limits of supply not exceeding in the whole two hundred and fifty acres”.

(2) The total area of land which may be acquired by the Company by agreement for the purposes mentioned in section 61 (Generating stations) of the Act of 1928 under the powers of subsection (2) of the said

section 59 of that Act as amended by the said section 13 of the Act of 1932 is hereby increased from twenty acres to thirty acres and accordingly that subsection (2) shall have effect as if the words from "such further lands" to "acres" were omitted therefrom and the following words were substituted therefor:—

"such further lands not exceeding thirty acres".

(3) The said section 13 of the Act of 1932 is hereby repealed.

19. The sale and purchase of part of the land described in paragraph (c) of the Third Schedule to the Act of 1928 and the buildings situate on that land (including the generating station known as the Brimsdown generating station "A") effected by the deed of conveyance dated the thirty-first day of December nineteen hundred and thirty-four between the Company of the one part and the station company of the other part is hereby ratified and confirmed.

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Confirmation of sale of a generating station.

20. The Company may at any time and from time to time take on lease from the station company for such term of years and on and subject to such other terms and conditions as may be agreed between the Company and the station company any generating station authorised by Act of Parliament or Order having the force of an Act and situate in the limits of supply and for the time being belonging to the station company and the site of any such generating station and any buildings and works of the station company connected with or incidental to any such generating station and the Company so long as they are the lessees of any such generating station may—

Company may take on lease generating stations of station company.

- (i) if it be the generating station referred to in the last preceding section of this Act exercise any of the powers conferred on the Company in relation to that station by section 61 (Generating stations) of the Act of 1928; and
- (ii) if it be any other generating station exercise any of the powers of carrying on maintaining and working the generating station conferred by the Act or Order by which the station is authorised.

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Miscellaneous.

As to streets forming boundary of limits of supply.

21. Where the limits of supply are bounded by or abut upon any street wholly or for part of its width outside those limits the Company may for the purpose of carrying out the powers and performing the obligations conferred or imposed on them by the Act of 1928 the Act of 1932 and this Act exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them in respect of streets within the adjoining part of the limits of supply and subject to the like conditions Provided that nothing in this section shall apply to a street in London or entitle or require the Company to supply electricity to the owner or occupier of any premises outside the limits of supply.

For protection of Bedfordshire County Council.

22. The provisions of section 106 (For protection of Bedfordshire County Council) of the Act of 1928 shall extend and apply for the protection of the Bedfordshire County Council with respect to the powers conferred on the Company by section 21 (As to streets forming boundary of limits of supply) of this Act as if that section 106 were re-enacted in this Act with the substitution of the words "county roads" for "main roads" and the insertion of the words "section 21 of" before the words "this Act" in both places where the last-mentioned words occur in that section 106.

For protection of Cambridgeshire County Council.

23. The provisions of section 106 (For protection of Bedfordshire County Council) of the Act of 1928 shall extend and apply for the protection of the Cambridgeshire County Council with respect to the powers conferred on the Company by section 21 (As to streets forming boundary of limits of supply) of this Act as if that section were re-enacted in this Act with the following alterations:—

- (i) the substitution of the words "county roads" for "main roads";
- (ii) the substitution of the words "the administrative county of Cambridge" for the words "the county of Bedford";

(iii) the substitution of the words "the Cambridge-
shire County Council" for the words "the
Bedfordshire County Council"; and A.D. 1936.

(iv) the insertion of the words "section 21 of"
before the words "this Act" in both places
where the last-mentioned words occur in that
section 106.

24.—(1) For the purposes of section 13 of the *Electric Lighting Act 1882* in its application to the *Company in relation to—* As to county roads.

(i) the undertaking; and

(ii) the respective undertakings authorised by the
several Distribution Orders; and

(iii) the Bishop's Stortford electricity undertaking;

and for the purposes of section 12 of the schedule to the
Electric Lighting (Clauses) Act 1899 as incorporated with
the Act of 1928 the Act of 1932 this Act the Bishop's
Stortford Harlow and Epping Gas and Electricity Act 1910 and any of the Distribution Orders and for the
purposes of any provision in any of the Distribution
Orders with which that schedule is not incorporated and
being a provision corresponding with that section 12 a
county council shall be deemed to be a local authority. 10 Edw. 7
& 1 Geo. 5.
c. xvii.

(2) In this section—

"the Distribution Orders" means the Orders for
which the Company are the undertakers at the
passing of this Act (namely):—

(i) the several Orders mentioned in Parts
II and III of the First Schedule to the
Act of 1928;

(ii) the Wood Green Electric Lighting
Order 1902; and

(iii) the Epping Rural (Nazeing to Sheer-
ing) Electricity Special Order 1928;

"the Bishop's Stortford electricity undertaking"
means the electricity undertaking authorised
by the Bishop's Stortford Harlow and Epping
Gas and Electricity Act 1910 and vested
at the passing of this Act in the Company

A.D. 1936.

under a deed of transfer made pursuant to subsection (3) of section 16 (Transfer of undertakings to Company) of the Act of 1932.

(3) Nothing in this section shall prejudicially affect the rights or powers of the Hertfordshire County Council or the Middlesex County Council or any other authority under section 107 (For protection of Hertfordshire County Council and local authorities) and section 109 (For protection of Middlesex County Council) respectively of the Act of 1928.

Transfer of undertakings to Company.

25.—(1) Section 85 (Transfer of undertakings to Company) of the Act of 1928 as amended by subsection (1) of section 16 (Transfer of undertakings to Company) of the Act of 1932 shall have effect as if in subsection (1) of that section 85 the words from “and the undertakers” to the words “the Electricity Commissioners” were omitted and the following words were substituted therefor:—

“and the undertakers under any such Order which shall have been made and confirmed prior to the thirty-first day of December nineteen hundred and thirty-six may with the approval of the Electricity Commissioners”;

and subsection (1) of the said section 16 shall cease to have effect.

(2) Any reference in the Act of 1932 to the said section 85 as amended or as amended and extended by the Act of 1932 or by section 16 of that Act shall be construed as a reference to the said section 85 as amended by this section.

Amendment of section 17 of Act of 1932.

26. Section 17 (Consideration for transfer) of the Act of 1932 shall have effect as if in subsection (2) thereof the words from “be deemed to represent” to the end of the subsection were omitted and the following words were substituted therefor:—

“be deemed to represent additional capital raised by the Company under any powers for the time being possessed by the Company of raising additional capital.”

27. 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 with respect to—

A.D. 1936.
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Compensation for deprivation of employment.

- (a) the conveyance by the Company to the station company and the vesting in the station company of the Brimsdown generating station "A" and buildings referred to in section 19 (Confirmation of sale of a generating station) of this Act;
- (b) the lease by the station company to the Company of any generating station and any buildings and works of the station company under or in pursuance of section 20 (Company may take on lease generating stations of station company) of this Act;
- (c) the transfer to the Company under the powers conferred by section 25 (Transfer of undertakings to Company) of this Act of any undertaking; and
- (d) the cessation of operation or change in the method of operation of any generating station or any buildings or works of which the conveyance to and vesting in the station company is confirmed by the said section 19 or which is leased to the Company under or in pursuance of the said section 20 or which forms part of an undertaking transferred to the Company under the powers of the said section 25 and being a cessation of operation or change in the method of operation in consequence of such conveyance and vesting or lease or transfer;

as if such conveyance and vesting or lease or transfer 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.

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Protection
of seals &c.
belonging to
Company.
34 & 35 Vict.
c. 41.

28. The provisions of section 38 of the Gasworks
Clauses Act 1871 incorporated with the Electric Lighting
Act 1882 shall apply to any person who wilfully
fraudulently or by culpable negligence injures or
detaches or suffers to be injured or detached any of the
sealing or locking devices attached to any sealed or locked
receptacle meter or apparatus inserted by the Company
on any electric line within a consumer's premises
or opens or suffers to be opened any such sealed
or locked receptacle meter or apparatus.

Costs of Act.

29. The costs charges and expenses of and
incidental to the preparing for obtaining and passing
of this Act or otherwise in relation thereto shall be paid
by the Company.

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