CHAPTER lxxxix.

An Act to postpone and synchronise the dates of purchase of certain undertakings carried on by the Bournemouth and Poole Electricity Supply Company Limited to provide for those undertakings being purchasable together and to make consequential provision with regard thereto to regulate the charges to be made by the Company and for other purposes. A.D. 1932.

[12th July 1932.]

WHEREAS the Bournemouth and Poole Electricity Supply Company Limited (in this Act referred to as "the Company") are supplying electricity in the boroughs of Bournemouth Poole and Christchurch and in the part of the rural district of Ringwood and Fordingbridge in the county of Southampton which was formerly included in the rural district of Christchurch and beyond those areas and are generating electricity for that purpose:

And whereas the Company are supplying electricity in the said boroughs and rural district under and by virtue of the powers contained in the Bournemouth Electric Supply (Brush) Order 1890 (hereinafter referred to as "the Order of 1890") the Poole and Branksome Electric Lighting Order 1897 (hereinafter referred to as "the Order of 1897") the Christchurch and District Electric Lighting Order 1899 (hereinafter referred to as

A.D. 1932. "the Order of 1899") and the Pokesdown Electric Lighting Order 1902 (hereinafter referred to as "the Order of 1902"):

And whereas by virtue of the provisions contained in the Electric Lighting Act 1888 and in the said Orders the undertaking carried on under the Order of 1890 is purchasable by the mayor aldermen and burgesses of the borough of Bournemouth (hereinafter referred to as "the Bournemouth Corporation") by notice given within six months after the fourteenth day of August nineteen hundred and thirty-two the undertaking carried on under the Order of 1897 is purchasable by the mayor aldermen and burgesses of the borough of Poole by notice given within six months after the sixth day of August nineteen hundred and thirty-two the undertaking carried on under the Order of 1899 is purchasable as to part thereof by the Bournemouth Corporation as to part thereof by the mayor aldermen and burgesses of the borough of Christchurch and as to the remainder thereof by the rural district council of Ringwood and Fordingbridge as successors of the rural district council of Christchurch by notice given within six months after the thirteenth day of July nineteen hundred and forty-one and the undertaking carried on under the Order of 1902 is purchasable by the Bournemouth Corporation by notice given within six months after the thirteenth day of July nineteen hundred and forty-one:

And whereas it is expedient that the dates at which the said undertakings may be so purchased should be postponed and that in lieu of the existing provisions relating to the purchase of the said undertakings provision should be made for all the said undertakings being purchasable together (subject to the provisions of this Act) by any one or more of the said local authorities at the same date and for carrying on the said undertakings if purchased:

And whereas in consideration of the provisions contained in this Act as to the postponement and synchronising of the dates of purchase the Company are willing that the charges to be made by the Company for electricity should be regulated as hereinafter appearing:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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

Short title.

1. This Act may be cited as the Bournemouth Poole and Christchurch Electricity Act 1932.

Definitions.

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

"The Company" means the Bournemouth and Poole Electricity Supply Company Limited;

"The local authorities" means the mayor aldermen and burgesses of the borough of Bournemouth the mayor aldermen and burgesses of the borough of Poole the mayor aldermen and burgesses of the borough of Christchurch and the rural district council of Ringwood and Fordingbridge;

"The four Orders" means the Orders referred to in the preamble to this Act as the Order of 1890 the Order of 1897 the Order of 1899 and the Order of 1902;

"The undertakings" means the undertakings respectively carried on under the four Orders.

Postponement of date and alteration of powers of purchase.

3. The powers of the local authorities respectively under the Electric Lighting Act 1888 and the four Orders respectively to purchase the undertakings or any of them or any part or parts thereof respectively shall cease and in lieu of such powers the undertakings may be purchased together but not otherwise by the local authorities or any one or more of them in manner provided by this Act by notice given to the Company within six months after the sixth day of August nineteen hundred and fifty-three or at the option of the local authorities or any one or more of them within six months

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after the sixth day of August nineteen hundred and forty-two and if such substituted powers have not been exercised before the sixth day of February nineteen hundred and fifty-four then they shall be exerciseable in accordance with the provisions of the section of this Act of which the marginal note is "As to purchase powers of local authorities after 1953."

As to purchase powers of local authorities.

4.—(1) A notice under the preceding section of this Act shall be given by any of the local authorities in pursuance only of a resolution passed by the local authority intending to give the notice not more than nine months nor less than three months before the sixth day of August nineteen hundred and fifty-three or the sixth day of August nineteen hundred and forty-two and if any such resolution be passed the local authority which passes the resolution shall within six weeks after the passing of the resolution and before giving any notice to purchase under the preceding section of this Act notify such resolution to each of the others of the local authorities and shall require each of them to determine whether it intends to join with the local authority which has passed such resolution in giving such notice to purchase the undertakings.

(2) If any local authority on whom any such requirement has been made fails within three months of the receipt of such requirement to resolve to join with the local authority making the requirement in giving such notice to purchase all the powers of the first mentioned local authority to purchase the undertakings or any of them or any part thereof shall cease and the local authority by whom such requirement was made jointly with any other or others of the local authorities who shall have resolved to join in giving such notice to purchase or if there be no such last-mentioned local authority then the local authority by whom such requirement was made alone may give the notice hereinbefore referred to to the Company to purchase the undertakings.

(3) If any notice be given to the Company under the foregoing provisions of this Act by one only of the local authorities the Company shall sell the undertakings to that authority in accordance with the terms mentioned in subsection (5) of this section.

(4) If any notice be given to the Company under the foregoing provisions of this Act by more than one

of the local authorities the local authorities giving such notice shall apply to the Electricity Commissioners for a Special Order under section 26 of the Electricity (Supply) Act 1919 for the constitution of a joint board in pursuance of the provisions of this Act and the Commissioners accordingly may make such an Order and if such Order shall be approved by Parliament the Company shall sell the undertakings to the board constituted by the Order in accordance with the terms mentioned in subsection (5) of this section.

(5) The terms on which the Company shall sell the undertakings to a local authority or to a joint board under the foregoing provisions of this section shall be the terms set out in section 2 of the Electric Lighting Act 1888 and the provisions of the last sentence of that section which sentence commences "The Board of Trade may determine" shall also apply with any necessary modifications to the purchase of the undertakings under this section.

Constitution of joint board.

5.—(1) If application be made to the Electricity Commissioners under the last preceding section of this Act for a Special Order for the constitution of a joint board the Electricity Commissioners may by such an Order constitute a joint board representative of the local authorities making application for the Order for carrying on the undertakings and such Special Order shall transfer the undertakings to such board upon such conditions (except as to price which shall be determined in accordance with the provisions of the last preceding section of this Act) as may be agreed between the authorities to be represented on such board and approved by the Electricity Commissioners or as failing agreement may be determined by the Electricity Commissioners.

(2) Any such Special Order may contain such provisions as to the constitution of such board as to the raising of capital and the borrowing of money by such board and the local authorities represented by such board (as the local authorities to be represented by such board may determine) as to the mode of dealing with any surplus or deficiency in the accounts of such board and generally for facilitating the carrying on of the undertakings by such board as the Electricity Commissioners may think proper.

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As to purchase powers of local authorities after 1953.

6.—(1) Should the powers of the section of this Act of which the marginal note is "Postponement of date and alteration of powers of purchase" not have been exercised in pursuance of notice given to the Company before the sixth day of February nineteen hundred and fifty-four the undertakings shall be purchasable together but not otherwise by the local authorities or any one or more of them by notice given to the Company within six months after the sixth day of August nineteen hundred and sixty-three or within six months after the expiration of any subsequent period of ten years.

(2) A notice under subsection (1) of this section shall be given by any of the local authorities in pursuance only of a resolution passed by the local authority intending to give the notice not more than nine months nor less than three months before the sixth day of August nineteen hundred and sixty-three or not more than nine months nor less than three months before the expiration of any subsequent period of ten years and if any such resolution be passed the local authority which passes the resolution shall within six weeks after the passing of the resolution and before giving any notice to purchase under subsection (1) of this section notify such resolution to each of the others of the local authorities and shall require each of them to determine whether it intends to join with the local authority which has passed such resolution in giving such notice to purchase the undertakings and the provisions of subsections (2) (3) (4) and (5) of the section of this Act of which the marginal note is "As to purchase powers of local authorities" shall with the necessary modifications apply to the power of purchase conferred by this section and also (if the notice first referred to in this section be given by two or more of the local authorities) the provisions of the last preceding section of this Act shall apply mutatis mutandis.

As to local authorities not purchasing the undertakings becoming co-owners thereof.

7.—(1) If one of the local authorities or a joint board constituted in pursuance of the provisions of this Act shall have purchased the undertakings in pursuance of the powers of this Act a local authority which shall not have joined in such purchase may at the expiration of any period of ten years subsequent to the date on which such purchase shall have taken effect by notice in writing to the local authority which shall have purchased

the undertakings or to the joint board constituted as aforesaid signify its desire to become a co-owner with such authority or joint board of the undertakings and thereupon the local authority giving such notice shall be entitled to become such a co-owner upon such terms as may be agreed between that local authority and the local authority which shall have purchased the undertakings or the joint board as the case may be or as failing agreement may be determined by an arbitrator to be appointed by the Electricity Commissioners on the application of either of the parties in difference after notice in writing to the other of them.

(2) If the notice first referred to in subsection (1) of this section be given to a local authority that local authority and the local authority desiring to become a co-owner with such authority of the undertakings shall apply to the Electricity Commissioners for a Special Order under section 26 of the Electricity (Supply) Act 1919 for the constitution of a joint board representative of those local authorities for carrying on the undertakings and the Electricity Commissioners accordingly may make such an Order and the Order shall transfer the undertakings to the joint board constituted thereby upon such conditions as may be agreed between those local authorities and approved by the Electricity Commissioners or as failing agreement may be determined by the Electricity Commissioners.

(3) If the notice first referred to in subsection (1) of this section be given to a joint board that board and the local authority desiring to become a co-owner with such board of the undertakings shall apply to the Electricity Commissioners for a Special Order under the said section 26 for altering the constitution of such board and the Electricity Commissioners accordingly may make such an Order altering the constitution of such board by adding thereto representatives of such local authority and may by the Order vary the provisions of any Special Order relating to such board.

(4) Any Special Order made by the Electricity Commissioners under subsection (2) or subsection (3) of this section may contain any of the provisions referred to in subsection (2) of the section of this Act of which the marginal note is "Constitution of joint board."

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As to contents of Special Orders.

8. The Electricity Commissioners may include in any Special Order made in pursuance of the provisions of the sections of this Act of which the marginal notes are "As to purchase powers of local authorities" "Constitution of joint board" and "As to local authorities not purchasing the undertakings becoming co-owners thereof" such provisions as may appear to the Commissioners necessary or proper for adapting any of the provisions of the Electricity (Supply) Acts 1882 to 1928 or any Provisional or Special Order made under those Acts to the case of any joint board constituted or altered under a Special Order made in pursuance of the said sections of this Act.

As to charges by Company &c.

9.—(1) Notwithstanding anything in the four Orders every ordinary consumer of electricity supplied by the Company in the areas of supply under the four Orders shall be entitled to pay for the electricity supplied to him either (at his option) in accordance with a two part tariff or at a flat rate Provided that a consumer desiring to change from a two part tariff to a flat rate or vice versa shall give to the Company notice in writing of that desire and the change shall take effect from the next quarterly reading of his meter and shall (unless the Company otherwise agree) remain in force for not less than one year.

(2) The provisions contained in the schedule to this Act are hereby made binding on the Company and shall be carried into effect by them but the provisions of subsection (1) of this section and of the said schedule (including the provisions in the said schedule relating to methods of charge and prescribing the charges to be made) may from time to time be modified altered or revoked by an agreement made between the Company and the local authorities and approved by the Electricity Commissioners.

(3) Nothing in this section or in the schedule to this Act shall limit the application to the undertakings or to the Company with respect to the undertakings of the provisions of subsections (2) and (3) of section 22 of the Electricity (Supply) Act 1922 or the provisions set out in the schedule to that Act relating to the revision of maximum prices or methods of charge.

Audit of accounts.

10.—(1) Section 9 of the Order of 1890 section 8 of the Order of 1897 and section 8 of the Order of 1899

which said sections relate to the audit of accounts of the several undertakings authorised by those respective Orders are hereby repealed and in lieu thereof the provisions of section 6 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to be incorporated with each of those three Orders.

(2) Section 8 of the Order of 1890 is also hereby repealed.

Compensation to officers and servants affected by transfer.

11.—(1) If within five years from the date of the transfer of the undertakings to a local authority or a joint board (either of which is in this section referred to as "the purchasing authority") in pursuance of the powers of this Act any officer or servant who immediately before such transfer shall have been regularly employed by the Company proves to the satisfaction of the purchasing authority or of a single arbitrator to be appointed as hereinafter provided that in consequence of such transfer he—

(i) has suffered loss of employment or diminution of salary wages or emoluments otherwise than on grounds of misconduct incapacity or superannuation; or

(ii) has relinquished his employment in consequence of being required to perform duties which were not analogous or were an unreasonable addition to those which immediately before such transfer he had been required to perform; or

(iii) has been placed in any worse position in respect of the conditions of his service (including tenure of office remuneration gratuities pension superannuation sick or other fund or any benefits or allowances whether obtaining legally or by customary practice);

and the purchasing authority do not satisfy such officer or servant or if he is dissatisfied show to the satisfaction of the arbitrator that equivalent employment on the like conditions to those obtaining with respect to such officer or servant immediately before such transfer was available there shall be paid to such officer or servant by the purchasing authority such compensation as may be agreed between the officer or servant and the purchasing authority or awarded by the arbitrator and the compensation shall include any expenses which such officer or

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servant necessarily incurs in removing to another locality :

Provided that where loss or relinquishment of employment is involved such compensation shall in the case of an officer employed at an annual salary be based on but shall not exceed the amount which would have been payable to a person on abolition of office under the Acts and rules relating to His Majesty's Civil Service in force at the date of the passing of the Local Government Act 1888 but in computing the period of service of any officer service under any authorised undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 shall be reckoned as service with the Company or the purchasing authority in whose employment he was at the time when the loss or relinquishment of employment occurred and where any officer or servant was temporarily absent from his employment whilst serving in or with His Majesty's forces or the forces of the allied or associated powers or in any other employment of national importance during the war such service shall be reckoned as service under the authorised undertakers in whose employment he was immediately before and after such temporary absence.

(2) Any matter required under this section to be determined by an arbitrator shall be referred to an arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other of them by the Minister of Labour and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof shall apply to the reference.

(3) No officer or servant of the Company to whom this section may apply being a party to a pension policy under a superannuation scheme of the Company shall be entitled to compensation under the provisions of this section on the ground that he has been placed in a worse position in respect of the conditions of his service by reason of the discontinuance of such pension policy.

Costs of Act.

12. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

1. As from the quarterly reading of the meters next after the passing of this Act the charges for electricity supplied by the Company to ordinary consumers and for general power supplies in the areas of supply under the four Orders shall subject to the provisions of this Schedule be—

TWO PART TARIFF.

(*a*) For a supply of electricity for use in private premises for lighting heating cooking and all electric domestic appliances—

(i) a standing charge of ten per centum on the assessment for rateable value of the premises for the first £100 of rateable value and of five per centum on any amount in excess of £100 with a minimum charge of £2 10s. per annum payable quarterly in advance;

(ii) $\frac{3}{4}$d. per unit of electricity consumed for any of the purposes mentioned in this paragraph.

(*b*) For a supply of electricity for use in business premises for lighting heating cooking and all domestic and approved electric business appliances—

(i) a standing charge of 6s. 3d. per quarter per 100 watts of installed lighting capacity payable quarterly in advance;

(ii) $\frac{3}{4}$d. per unit of electricity consumed for any of the purposes mentioned in this paragraph.

NOTE.—In the case of a two part tariff no meter rent will be charged.

FLAT RATE TARIFF.

(*c*) For a supply of electricity for use for lighting purposes 5d. per unit with a minimum charge of 10s. per quarter.

(*d*) For a supply of electricity for general power purposes—

For a supply not exceeding 2,500 units in a quarter - - - -	2d. per unit.
For a supply exceeding 2,500 units and not exceeding 5,000 units in a quarter - - - - - -	$1\frac{3}{4}$d. per unit.
For a supply exceeding 5,000 units in a quarter - - - - -	$1\frac{1}{2}$d. per unit.

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2. During the year 1936 and every subsequent fifth year the Company and the local authorities shall confer as to the charges to be made by the Company to ordinary consumers in the next ensuing period of five years If the parties fail to agree on any question of increase or reduction proposed by either party in any of the charges then being made the matter shall be referred to the arbitrator whose decision shall be final and binding on the parties until the end of such period of five years except as mentioned in paragraphs 3 and 4 of this schedule or as may be otherwise agreed between the parties.

3. (*a*) It shall be lawful for the Company at any time with the consent of the local authorities or (if such consent cannot be obtained) of the arbitrator to increase the charges then being made Before the arbitrator shall give any such consent he shall if required by the local authorities or any of them hear the parties.

(*b*) It shall also be lawful for the Company in any abnormal circumstances of a serious character such for instance as wars strikes or public financial difficulties to increase the charges made by them while such conditions last in proportion to the abnormal expenditure in the costs of supply due to those abnormal conditions.

4. At any time the local authorities may require the Company to satisfy them that the charges then made are reasonable in all the circumstances For that purpose the Company shall furnish to the local authorities such information with respect to the charges so being made as may be necessary to enable them if not satisfied to refer the question of whether or not such charges are reasonable in all the circumstances to the arbitrator who if he is satisfied that the charges so being made are not reasonable may at his discretion direct such reduction in the said charges in such manner and from such date as he may think equitable and such direction shall be given effect to by the Company from such date.

5. As and when a supply of electricity becomes available from the Central Electricity Board and is taken by the Company pursuant to the provisions of the Electricity (Supply) Act 1926 the Company shall—

(*a*) in those parts of the areas of supply under the four Orders where they are operating on the direct current system proceed (subject to any regulations from time to time made by the Electricity Commissioners under the Electricity (Supply) Acts 1882 to 1928 for insuring a proper and sufficient supply of electricity) to alter the system of supply to alternating current and bear any expenditure which may be necessary in changing consumers' apparatus to suit the altered system; and

(*b*) in those parts of the areas of supply under the four Orders where they are operating on the alternating current system of 100 cycles periodicity bear any expenditure which may be necessary in changing the consumers' apparatus to suit the periodicity of the supply received from the Central Electricity Board but without prejudice to any right of the Company in regard to such expenditure under the Electricity (Supply) Act 1926.

6. In this schedule the expression "the arbitrator" means William Craig Henderson esquire one of His Majesty's counsel of 2 Paper Buildings Temple or if he be unable or unwilling to act such person as failing agreement between the local authorities and the Company may be appointed on the application of either party after notice in writing to the other by the Electricity Commissioners.

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