CHAPTER lxxxviii.

An Act to confer upon the Central Electric Supply Company Limited powers to construct works and supply electrical energy and for other purposes. A.D. 1899.

[13th July 1899.]

WHEREAS the Central Electric Supply Company Limited (herein-after called "the Company") has been incorporated with the object of supplying electrical energy in bulk to other companies bodies and persons and it is expedient that with a view to enabling the Company so to supply electrical energy the powers herein-after contained be conferred upon the Company and that the Company be authorised to acquire and erect generating stations upon the lands described in the First Schedule to this Act and to execute the other works herein-after described:

And whereas plans and sections showing the lines or situation and levels of the aforesaid works authorised by this Act and the lands which may be compulsorily taken under the powers of this Act and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of London and are herein-after respectively referred to as the deposited plans sections and books of reference:

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 Queen'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:—

1. This Act may be cited as the Central Electric Supply Company's Act 1899. Short title.

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Incorporation of general Acts.

2. The Lands Clauses Acts the Electric Lighting Acts 1882 and 1888 the Railways Clauses Consolidation Act 1845 except the provisions thereof with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are so far as the same are applicable for the purposes of and are not inconsistent with or expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (subject as herein-after mentioned) the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Company" means the Central Electric Supply Company Limited;

The expression "the parish" means the parish of St. Marylebone in the county of London;

The expression "the vestry" means the vestry of the parish;

The expression "the council" means the London County Council;

The expression "the railway company" means the Great Central Railway Company;

The expression "electric line" means and includes wire or wires conductors or other means used for the purposes of conveying or transmitting electrical energy with any casing coating covering tube pipe trough or insulator enclosing surrounding or separating the same or any part thereof or any apparatus connected therewith for the purpose of conveying and transmitting electricity or electric currents;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected;

The expression "street" includes any square court alley highway street road bridge thoroughfare public passage or place;

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction thereof:

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London

mean the clerks of the sanitary authorities appointed by section 99 of the Public Health (London) Act 1891 for the execution of that Act. A.D. 1899.

Power to make works.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works in the parish of St. Marylebone in the county of London herein-after described (that is to say):—

(*a*) A tunnel or waterway commencing by a junction with the Regent's Canal on its northern side at a point twenty yards or thereabouts eastward of the bridge carrying Grove Road over the canal and terminating at a point twenty-six yards or thereabouts eastward of the junction of North Bank with Grove Road:

(*b*) A dock or basin situate at the termination of the said tunnel or waterway on land bounded by North Bank Grove Road and Lodge Place and an imaginary line drawn parallel to and seventy yards or thereabouts from Grove Road;

(*c*) A conduit or line of pipes commencing on the north side of the Regent's Canal at or about the point of commencement of the tunnel by this Act authorised and terminating at a point forty-four yards or thereabouts eastward of the junction of North Bank with Grove Road:

(*d*) A conduit or line of pipes commencing on the north side of Regent's Canal at a point about two hundred and thirty-five yards or thereabouts eastward from the above-mentioned bridge and terminating at a point ten yards or thereabouts south-west of the junction of Oaktree Road with North Bank:

(*e*) A railway two hundred and five yards or thereabouts in length commencing at a point fifty yards or thereabouts measured in a north-eastwardly direction from the junction of North Bank with Grove Road and terminating at the south side of North Bank.

Works by and affecting railway company.

5.—(1) The railway company when called upon by the Company shall do whatever is necessary for forming a continuous railway communication between the railway by this Act authorised and the railway of the railway company for the purpose of bringing traffic to or taking traffic from the intended works of the Company such communication to be constructed according to plans sections and specifications to be previously mutually agreed upon between the engineers of the Company and the railway company respectively

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or failing agreement as may be settled by arbitration in manner herein-after provided.

(2) All works to be constructed for the purpose last aforesaid shall so far as the same shall be on lands belonging to the railway company be carried out executed and maintained by and at the expense of the railway company and so far as the same shall be on the lands of the Company be carried out and executed and maintained by and at the expense of the Company.

(3) So much of the tunnel or waterway and conduits or lines of pipes by this Act authorised as will be situate in or under property lying on the south side of North Bank belonging to the railway company or which that company have power to purchase compulsorily shall be constructed to the reasonable satisfaction of the principal engineer of the railway company and according to plans and sections to be previously submitted to and reasonably approved by him Provided that if the said principal engineer shall not within one month disapprove such plans and sections he shall be deemed to have approved the same and in case such engineer shall within the said period disapprove such plans and sections the same shall unless otherwise agreed be settled by an engineer to be appointed as herein-after provided.

(4) No deviation shall be made from the lines or levels as shown on the deposited plans and sections of any portion of the tunnel and waterway or conduits and lines of pipes authorised by this Act which shall be situate southward of North Bank without the previous consent in writing of the railway company which shall not be unreasonably withheld.

(5) Any difference which may arise between the Company and the railway company in regard to such plans sections and specifications or the reasonableness of any refusal of consent by the railway company or any requirement of the Company under this section shall be determined by an arbitrator to be appointed on the application of the Company or the railway company by the President of the Institution of Civil Engineers.

Power to erect generating stations &c.

6. The Company may on the lands delineated on the deposited plans and described in the deposited books of reference and in the First Schedule to this Act annexed or on any part thereof erect maintain work and use a station or stations for generating transforming transmitting and conveying electrical energy with all dynamos batteries accumulators motor generators engines plant machinery works appliances and conveniences for that purpose and may generate transform transmit and convey such energy accordingly.

Power to stop up streets.

7. Subject to the provisions of this Act the Company may stop up and discontinue for public use the following street and roads or some or one of them or some part or parts thereof respectively (that is to say):—

North Bank and so much of Oaktree Road as lies between Lodge Place and North Bank and Oaktree Place:

And upon the stopping up or discontinuance thereof respectively the sites or soils of the said street and roads shall vest as regards Oaktree Place and the aforesaid portion of Oaktree Road and so much of North Bank as lies between a point therein twenty-six yards eastward of the junction therewith of Oaktree Road and Grove Road in the Company and as regards the remainder of North Bank in the Company and the railway company jointly freed and discharged from all public and private rights over or affecting the same and may be appropriated and used by the Company and the railway company respectively for the purposes of their respective undertakings Provided that no portion of Oaktree Road or Oaktree Place shall be stopped up until the Company are owners in possession of the land on both sides thereof and no portion of North Bank shall be stopped up until the Company are owners in possession of the land on the north side thereof between the aforesaid point twenty-six yards east of Oaktree Road and Grove Road.

As to widening Lodge Place and Lodge Road.

8. Before stopping up any portion of North Bank Oaktree Road or Oaktree Place and in lieu of any other requirements as to setting back the frontages of any buildings to be erected on the land acquired under the powers of this Act the Company shall set back the frontage to Lodge Place and Lodge Road of such land to a line drawn between the north-west corner in Lodge Road of the buildings of the Great Central Railway Company and a point near the junction of Grove Road with Lodge Place distant forty feet measured on the square from the north side of Lodge Place as existing at the date of the passing of this Act and the frontage to the east side of Grove Road between North Bank and Lodge Place to a line drawn parallel to and at a distance throughout of forty feet from the centre of Grove Road as existing at the date of the passing of this Act and shall dedicate to the public as part of the street the land lying between the new lines of frontage and the existing streets and in erecting their works the Company may build up to such frontage lines.

Subsidiary works.

9. The Company may in connexion with the works by this Act authorised on the lands shown on the deposited plans and described

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in the deposited books of reference make and maintain all necessary and convenient bridges embankments walls cuts dams fences sewers drains pipes feeders laybyes wharves quays staiths tips drops cranes sidings machinery roads approaches buildings and other works and conveniences and may remove or alter any sewer drain gas water or hydraulic main or pipe or apparatus or any telephonic telegraphic or electric wires and apparatus situate over or under any portion of any street or road stopped up under the powers of this Act:

Provided that the Company shall not remove alter or interfere with any telegraphic or telephonic apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided further that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any Undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

Power to dredge.

10. The Company may from time to time dredge the bed soil and channel of the Regent's Canal at and adjoining the junction therewith of the tunnel or waterway by this Act authorised Provided that before commencing any such works of dredging the Company shall give to the North Metropolitan Railway and Canal Company three days' notice in writing of their intention so to do and such works shall be carried out to the reasonable satisfaction of the engineer for the time being of that company.

Power to deviate.

11. In constructing the works by this Act authorised and shown on the deposited plans and sections the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate also from the levels shown on the deposited sections to any extent not exceeding five feet.

Power to abstract water.

12. The Company may divert into the tunnel or waterway and dock or basin by this Act authorised the waters of the Regent's Canal and may also utilise such waters for condensing or other purposes of their undertaking Provided that all water so utilised and not consumed shall be returned to the said dock or basin or to the said canal and the Company shall make to the North Metropolitan Railway and Canal Company in respect of the user of the waters of the Regent's Canal for the purposes aforesaid such compensation as failing agreement may be settled by an arbitrator to be appointed on the application of the Company or the North Metropolitan Railway and Canal Company by the Board of Trade.

Power to take lands.

13. The Company may enter upon take and use for the purposes of the works by this Act authorised and of their undertaking such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for those purposes but nothing in this Act shall authorise the Company to erect maintain work or use a station for generating electrical energy on any lands other than those described in the First Schedule to this Act.

Company to acquire easements only in certain lands.

14. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not under the powers of this Act acquire any lands situate on the south side of North Bank or between Oaktree Road and North Bank which on the first day of January one thousand eight hundred and ninety-nine belonged to the railway company or which that company had at that date power to purchase compulsorily but the Company may purchase and acquire and the railway company shall sell to the Company such easements and rights in and under such lands as the Company may require for the purpose of constructing placing laying inspecting maintaining cleansing or repairing the tunnel or waterway and conduits or lines of pipes by this Act authorised and the Company may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts.

Restriction on taking houses of labouring class.

15. The Company shall not under the powers of this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department twenty or more houses which were not so occupied on the fifteenth day of December last but have been or shall be subsequently so occupied.

If the Company purchase or acquire any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

Power to take easements &c. by agreement.

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

Period for compulsory purchase of lands.

17. The powers by this Act conferred upon the Company for the compulsory purchase of lands shall cease after the expiration of three years after the passing of this Act.

Period for completion of works.

18. If the works by this Act authorised and shown on the deposited plans and sections are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to use steam &c. on railway.

19. It shall be lawful for the Company to use and employ locomotive engines and other motive power and carriages and waggons to be drawn or propelled thereby and to carry goods upon the railway by this Act authorised and upon any sidings from time to time constructed by them under the powers of this Act Provided that such railway and sidings so far as the same are situate on lands to be acquired by the Company under the powers of this Act shall be used by the Company solely for the purposes of their undertaking.

Power to break up streets.

20. The Company may for the purpose of laying down maintaining repairing renewing or removing electric lines between the generating station by this Act authorised and the respective areas of supply of the companies named in the Second Schedule to this Act open and break up the soil and pavement of the several

streets within the parish and any sewers drains or tunnels in or under such streets and may lay down and place within the said parish electric lines boxes and apparatus for examining testing regulating measuring directing and controlling the supply of electrical energy and examining or testing the state of any electric lines or other purposes of the undertaking of the Company and the Company may repair alter or remove the same and may remove and use all earth and materials in and under any streets so opened or broken up and for such purposes may do all other acts which they shall from time to time deem necessary for supplying electrical energy to the companies so named in the Second Schedule to this Act and may supply such energy accordingly:

Provided that the Company shall not be entitled except with the consent in writing of the vestry to open more than one trench with such bifurcation as may be necessary for the purpose of obtaining access to the area of supply of each of the said companies named in the Second Schedule to this Act.

In the exercise of any of the powers of this section the Company shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

The powers of this Act shall not be used for the supply of electricity to any persons except those named in the Second Schedule to this Act.

If the Company place any main or other thing or execute any work otherwise than by this Act authorised in or under any street in the parish it shall be lawful for the vestry at the cost of the Company to remove any such main work or thing and to reinstate such street and the soil thereunder in the same condition as they were before the doing by the Company of such unauthorised act notwithstanding that such soil may not be vested in the vestry.

Provisions for ensuring safety.

21. Electrical energy shall be supplied by the Company under this Act only by means of some system approved in writing by the Board of Trade and subject to such regulations as may from time to time be made by the Board of Trade (and which that Board are hereby empowered to make) affecting the undertaking of the Company for securing the safety of the public from personal injury or from fire or otherwise and the Company shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations unless the connexion is for the time being approved by

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the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of that approval.

Remedying of system and works.

22. If at any time it is represented to the Board of Trade (*a*) that the Company are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (without such consent or approval as is required by this Act) have permitted any part of their circuits to be connected with earth or (*b*) that any electric lines or works of the Company are defective so as not to be in accordance with the provisions of this Act or the regulations and conditions subject to which the Company are for the time being authorised to supply energy under this Act or (*c*) that any work of the Company or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order specify the matter complained of and require the Company to abate or discontinue the same within such period as may be therein limited in that behalf and if the Company make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Company make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

For protection of Postmaster-General vestry and council.

23.—(1) The Company shall not in the exercise of the powers conferred by this Act lay down any electric line or do any other work for the supply of electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected.

(2) (*a*) One month before commencing the execution of any works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) which involves the placing of works in under along over or across any street the Company shall serve a notice upon the Postmaster-General and the vestry and the council describing the proposed works together with a plan of the works showing the route proposed to be taken the dimensions of the proposed trench the mode and position in which such works are intended to be executed and the manner in which it is intended that such street is to be

interfered with and shall upon being required to do so by the Postmaster-General or the vestry or the council give him or them any such further information in relation thereto as he or they may desire: A.D. 1899.

(*b*) The Postmaster-General or vestry or council may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Company:

(*c*) Where the Postmaster-General or the vestry or the council approve any such works or plan subject to any amendments or conditions with which the Company are dissatisfied or disapprove of any such route works or plan the Company may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such route works or plan subject to such amendments or conditions as may seem fit or may disapprove the same:

(*d*) If the Postmaster-General or vestry or council fail to give any such notice of approval or disapproval to the Company within one month after the service of the notice upon them he or they shall be deemed to have approved such route works and plan:

(*e*) Notwithstanding anything in this Act the Company shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General and the vestry and the council or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Company may cause such works to be executed in accordance with such description and plan:

(*f*) If the Company make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Act) make full compensation to the Postmaster-General and the vestry for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances:

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(*g*) The Company shall not without the consent of the vestry open or break up or keep open or broken up more than one street at any one time or a greater length than one hundred yards of any street:

(*h*) Nothing in this section shall exempt the Company from any penalty or obligation to which they may be liable under this Act or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Company's works or their supply of energy.

For protection of sewers.

24. Where any works to be done under or by virtue of this Act shall interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the council or of the vestry or with any sewers or works to be made or executed by the council or vestry or either of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Company shall not commence such works until they shall have given to the council or the vestry as the case may be twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office for the time being of such council or vestry with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such council or vestry as the case may be shall have signified their approval of the same (unless such council or vestry do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid) and the Company shall comply with and conform to all orders directions byelaws and regulations of the council or of the vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such council or vestry shall require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the council and vestry against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the council or the vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council or the vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such council or vestry as the case may be by the

Company on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council or vestry as the case may be respectively as any sewers or works now or hereafter may be.

Vestry &c. may give notice of desire to break up streets &c. on behalf of Company.

25. Any body or person for the time being liable to repair any street or part of a street which the Company may be by this Act empowered to break up may if they think fit serve a notice upon the Company stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Company as therein specified in relation to the breaking up filling in reinstating or making good any streets vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Company then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a*) The Company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency:

(*b*) The Company shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged:

(*c*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Company subject to the like restrictions and conditions so far as they are applicable as the Company would themselves be subject to in such exercise or discharge:

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(*d*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Company may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice:

(*e*) In any case of emergency the Company may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Company shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice:

(*f*) If the Company exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances:

(*g*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Company under this section shall be repaid to them by the Company and may be recovered summarily:

(*h*) The givers of the notice may if they think fit require the Company to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as in default of agreement may be settled by arbitration If the Company fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given:

Provided that nothing in this section shall in any way affect the rights of the Company to exercise or discharge any powers or duties conferred or imposed upon them by this Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street.

As to alteration of pipes wires &c. under streets.

26. The Company may alter the position of any pipes (not forming part of any sewer of the council or vestry) or any wires being under any street authorised to be broken up by them which may interfere with the exercise of their powers under this Act and any body or person may in like manner alter the position of any electric lines or works of the Company being under any such street as aforesaid which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street subject to the following provisions unless it is otherwise agreed between the parties interested:—

(*a*) One month before commencing any such alterations the Company or such body or person (as the case may be) in this section referred to as the "operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as the "owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire:

(*b*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly:

(*c*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible:

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(*d*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties:

(*e*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided:

(*f*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made:

(*g*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions so far as they are applicable as the operators would themselves be subject to in executing such alterations so far as the same may be applicable:

(*h*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them:

(*i*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily:

(*j*) Any owners may if they think fit by any statement served by them under this section upon any operators require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Act and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given:

(*k*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the operators shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near gas or water pipes or other electric lines.

27. Where the Company require to dig or sink any trench for laying down or constructing any new electric lines near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed the Company shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company (as the case may be) in this section referred to as the "owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the Company shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such pipe syphon electric line or work and for securing access thereto and they shall also if required by the owners thereof repair any damage that may be done thereto.

Where the Company find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily

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support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the Company lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Company shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the Company make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds Provided that the Company shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Company complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Company were ignorant of the position of the pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the Company.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the Electric Lighting Act 1882.

For protection of telegraphic and telephonic wires.

28.—(1) The Company shall take all reasonable precautions in constructing laying down and placing their electric lines and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time

of the laying down or placing of such electric lines If any question arises between the Company and the owner of any such wire or line as to whether the Company have constructed laid down or placed their electric lines or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines of the Company) may direct the Company to make any alterations in or additions to their system so as to comply with the provisions of this section and the Company shall make such alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Company shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Company requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Company shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid:

If any difference arises between any such owner and the Company with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration:

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Company make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall

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be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings Provided that the Company shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Company complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Company were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Company.

(4) Nothing in this section contained shall be held to deprive any such owner of any existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

Map of parish to be made and deposited.

29. The Company shall forthwith after commencing to supply energy under this Act cause a map to be made of the parish and shall cause to be marked thereon the line and the depth below the surface of all their then existing electric lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Company shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing electric lines and underground works The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office within the parish and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Company shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

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

such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Separate accounts to be kept of undertaking.

30. The Company shall except with the special approval of the Board of Trade to be previously given (after consideration of any representation which the council may make) at all times keep accounts of the capital employed for the purpose of the undertaking by this Act authorised separate from accounts kept by them in respect of any other undertaking or business.

Audit of accounts.

31. Section 9 of the Electric Lighting Act 1882 shall apply to the Company and the undertaking by this Act authorised and the account to be rendered by the Company in accordance with the provisions of that section shall be examined and audited in the same manner and subject to the same provisions as the accounts of the two companies named in the Second Schedule to this Act under the orders relating to them respectively.

Revision of price.

32. If the council or any local authority within whose jurisdiction any company receiving a supply of electricity from the Company is supplying electricity shall at any time after the passing of this Act or any subsequent period of seven years after the date of any Order made by the Board of Trade in manner provided by this section make a representation to the Board of Trade that the prices charged by the Company to any company as aforesaid are too high or that the methods of charging adopted by the Company ought to be altered the Board of Trade after such inquiry as they may think fit may make an Order prescribing a maximum price for electricity supplied by the Company to any company as aforesaid or the method of charging to be adopted by the Company and as from the date mentioned in such Order the prices and methods of charge so prescribed shall have effect as if the same had been set out in this Act.

Agreements for supply of electricity.

33. The Company on the one hand and the bodies named in the Second Schedule to this Act or any of them on the other hand may enter into and carry into effect vary and rescind contracts agreements or arrangements for or with respect to the supply by the Company to such other bodies or any of them of such energy at such price and on such terms and conditions as may be agreed.

Agreements with North Metropolitan Railway and Canal Company.

34. The Company on the one hand and the North Metropolitan Railway and Canal Company (herein-after called "the Canal Company") may enter into and carry into effect agreements with respect to the construction and working of the tunnel and waterway by this Act authorised the dredging of the Regent's Canal and the

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supply by the canal company to the Company of water from the Regent's Canal for condensing and other purposes of their undertaking.

Agreements with railway company.

35. The Company on the one hand and the railway company on the other hand may enter into and carry into effect agreements with respect to the exchange of any lands acquired by the Company under the powers of this Act for any lands for the time being belonging to the railway company or easements over such lands and the Company and the railway company respectively may notwithstanding anything in the Lands Clauses Consolidation Act 1845 give and take and may hold the lands so agreed to be exchanged and may utilise the same for the purposes of their respective undertakings Provided that nothing in this section shall authorise the Company to erect maintain work or use a station for generating electrical energy on any lands so taken by them in exchange.

Approval of Board of Trade arbitration &c.

36.—(1) Where this Act provides for any approval of the Board of Trade that Board may give such approval subject to terms or conditions or may withhold such approval as in their discretion they may think fit.

(2) Where under this Act any question is referred to arbitration the same shall be determined by a single arbitrator to be appointed if not agreed upon between the parties by the Board of Trade on the application of any party in difference.

(3) All costs and expenses of or incident to any such approval or arbitration shall be borne and paid as the Board of Trade or the arbitrator as the case may be shall direct.

Saving clause for Postmaster-General.

37. Nothing in this Act shall affect any right or remedy of the Postmaster-General under the Telegraph Acts 1863 to 1897 and all provisions contained in this Act in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Copy of Act to be registered.

38. The Company shall deliver to the registrar of joint stock companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the 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 the like penalty Every penalty under this section shall be recoverable summarily.

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Saving rights of Crown.

39. Nothing contained in this Act shall authorise the Company to open and break up or in any manner interfere with the soil and pavement of any street belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) and with regard to any such street the Commissioners of Woods shall be substituted for the vestry in the provisions herein-before contained Neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Expenses of Act.

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

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Certain lands houses and buildings in the parish of St. Marylebone and county of London bounded by Grove Road Lodge Place and the road known as North Bank including that road.

THE SECOND SCHEDULE.

The St. James and Pall Mall Electric Light Company Limited.
The Westminster Electric Supply Corporation Limited.

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