CHAPTER xxv.

An Act to confer further powers upon the Cleveland and Durham County Electric Power Company and for other purposes. [30th June 1903.] A.D. 1903.

WHEREAS by the Cleveland and Durham County Electric Power Act 1901 (herein-after called "the Act of 1901") the Cleveland and Durham County Electric Power Company (herein-after called "the Company") were incorporated and authorised (amongst other things) to acquire lands and buildings to erect certain electrical generating stations and other works and to supply electricity within parts of the county of Durham and of the North Riding of the county of York:

And whereas by section 9 of the Act of 1901 it is enacted that nothing in that Act or in the Electric Lighting Acts 1882 and 1888 or any other Acts or parts of Acts incorporated therewith shall authorise the Company to construct stations for generating electricity elsewhere than on the lands described in the First Schedule annexed to the Act of 1901:

And whereas with a view to the more convenient supply of electricity by the Company it is expedient that the restriction so imposed upon the Company be removed:

And whereas Provisional Orders under the Electric Lighting Acts 1882 and 1888 have been granted to local authorities and other undertakers for the lighting of several districts and places within the Company's area for the supply of electricity and the Company are desirous of having power to acquire by agreement such undertakings authorised or which may be authorised by Provisional Orders so granted as the undertakers may be willing to transfer to them and to supply electric energy under such

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Provisional Orders in and to the districts and places to which the undertakings so transferred relate and it is expedient that the necessary powers should be conferred on the Company and such undertakers respectively:

And whereas it is expedient that the Company be authorised to pay interest out of capital as by this Act authorised:

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 title.

1. This Act may be cited as the Cleveland and Durham County Electric Power Act 1903.

Amendment of section 9 of Act of 1901.

2. So much of section 9 of the Act of 1901 as prohibits the construction of stations for generating electricity elsewhere than on the lands described in the First Schedule to that Act is hereby repealed but the Company shall not be exonerated from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased held or taken on lease by agreement and nothing in this section shall authorise the Company to construct a station for generating electricity outside the area of supply as defined by the Act of 1901.

For protection of certain boroughs.

3. Notwithstanding anything in this Act contained it shall not be lawful for the Company to construct any works for the generation of electricity within the municipal boroughs of Darlington Hartlepool and West Hartlepool or any of them without the consent in writing of the Corporations of those respective boroughs under their respective common seals.

Transfer of undertakings of local authorities and others to Company.

4.—(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the Company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under such Provisional Order and any such undertakers to whom a Provisional Order has prior to the date of the passing of this Act been

granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company on such terms and conditions as may be agreed upon and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electricity by the Company within the area of supply as defined by such Order Provided that (A) in the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith and (B) none of the provisions of any Provisional Order so acquired by the Company or of the Electric Lighting Acts 1882 and 1888 shall extend to authorise the purchase by any local authority of any generating station or other works of the Company used or required for the purposes of supplying any other portions of the Company's area of supply. A.D. 1903.

(2) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by such authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

Power to pay interest out of capital.

5. Notwithstanding anything in the Act of 1901 or any Act or Acts incorporated therewith contained it shall be lawful for the Company to pay out of any money by the Act of 1901 authorised to be raised interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of any shares in the capital of the Company on the amount from time to time paid up on such shares held by him from the respective times of such payments until the expiration of four years from the date of the passing of this Act or such less period as the said directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of

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the Company that one fifth at least of the share capital authorised by the Act of 1901 has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed twenty-five thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by the Act of 1901 or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

As to borrowing power of Company.

6. Section 31 of the Act of 1901 is hereby repealed and that Act shall be read and have effect as if in lieu of that section the following provisions had been inserted therein and such provisions shall have effect accordingly (that is to say):—

The Company may borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one third part of the amount of the share capital of the Company at the time

actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one half thereof is paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share so issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to apply funds.

7. The Company may apply for or towards the purposes of this Act and the Act of 1901 to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the authority of the Act of 1901 as amended by this Act.

Costs of Act.

8. All costs charges expenses and liabilities of and preliminary to and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the Company.

Printed by EYRE and SPOTTISWOODE,
FOR
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