CHAPTER cxi.

An Act for transferring to the South East Kent Electric Power Company Limited certain of the powers of the Kent Electric Power Company and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the South East Kent Electric Power Company Limited (in this Act called "the Company") were incorporated on the fourth day of May one thousand nine hundred and eleven under the Companies (Consolidation) Act 1908 for the purpose (amongst others) of carrying on the business of an Electric Light and Power Supply Company in all its branches:

And whereas by the Kent Electric Power Act 1902 (in this Act referred to as "the Act of 1902") the Kent Electric Power Company (in this Act called "the Kent Company") were incorporated and authorised to supply electricity within the county of Kent other than the Isle of Thanet for the purposes and subject to the conditions and restrictions in that Act mentioned:

And whereas by the Kent Electric Power Act 1906 (in this Act referred to as "the Act of 1906") further powers for and in relation to the supply of electricity in the said county were conferred upon the Kent Company:

And whereas it is expedient and would be of public and local advantage if the powers of the Kent Company for and in relation to the supply of electricity within the portion defined in this Act of the said county were transferred to the Company as provided by this Act:

And whereas it is expedient that the Company should be empowered to purchase take on lease or acquire by agreement for the purposes of a generating station or stations the lands

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in this Act mentioned or referred to and that such other powers as are contained in this Act should be conferred upon the Company:

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

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

Short title.

1. This Act may be cited as the East Kent Electric Power Act 1911.

Incorporation of Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Act.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 have the same respective meanings And in this Act—

The expression "the East Kent area of supply" means all that part of the county of Kent bounded on the north by the coastline from a point north of Swalecliffe Coast-guard Station and west of the eastern boundary of the parish of Swalecliffe to the point of junction of the boundary of the rural district of the Isle of Thanet and the sea thence in a southerly direction following the said boundary and the River Stour to its mouth on the east and south by the coastline from the mouth of the said River Stour to the point of junction of the western boundary of the borough of Hythe and the sea on the west by the boundaries respectively of the borough of Hythe and the urban district of Cheriton to the point of junction of the said urban district of Cheriton and the borough of Folkestone thence approximately due north to the point of junction of the rural districts of Elham Bridge and Dover thence westward by the southern

boundary of the rural district of Bridge to its junction with Stone Street (Roman Road) thence following the Roman Road to the point of junction with the southern boundary of the county borough of Canterbury and continuing round the said boundary in an easterly northerly and westerly direction to the point of junction of the parishes of Saint Dunstan Within and Canterbury and thence approximately due north to the said point on the coastline north of the said Swalecliffe Coastguard Station.

Transfer to Company of certain powers of Kent Company.

4. On the passing of this Act the rights powers privileges authorities duties and obligations which by the Act of 1902 and the Act of 1906 were conferred and imposed upon the Kent Company so far as the same relate to or but for this enactment might have been exercised by the Kent Company within the East Kent area of supply (except those relating to the issue of capital and borrowing of money) shall by virtue of this Act be transferred to and vested in and imposed upon the Company who may in their own name and under their own seal or under the hands of their directors secretary officers and servants exercise all those rights powers privileges and authorities and may and shall perform those duties and shall be subject to those obligations as fully and effectually in all respects as if the same had been expressly conferred and imposed upon the Company in lieu of the Kent Company and the said Acts so far as they relate to the East Kent area of supply shall (except as aforesaid) be read and construed as if the Company had been named therein in lieu of the Kent Company and in construing the Acts of 1902 and 1906 for the purposes of this Act the expression "area of supply" shall be deemed to mean the East Kent area of supply:

Provided that nothing in the Act of 1902 or the Act of 1906 shall authorise the Company to erect a generating station.

Provision as to future extension of East Kent area of supply.

5. The Kent Company may with the consent of the Board of Trade (which consent the Board of Trade are hereby authorised to give) transfer to the Company their rights powers privileges authorities duties and obligations in relation to any other part or parts of the Kent Company's area of supply beyond the East Kent area of supply.

On and after the date of such transfer the East Kent area of supply shall be extended so as to include the part or parts of the Kent Company's area of supply so transferred and this Act shall be read and construed as if the East Kent area of

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supply as defined by this Act included such part or parts of the Kent Company's area of supply.

Power to use lands for generating station.

6. The Company may by agreement purchase take on lease or acquire and may hold the lands described in the First Schedule to this Act and may upon all such lands or any part thereof erect work maintain and use a station or stations for producing and generating transforming storing and applying electrical power with all such buildings engines batteries dynamos accumulators and other plant machinery apparatus works and conveniences as may be necessary or suitable for those purposes and may produce generate transform store use and apply such power accordingly but the Company shall not create or permit any nuisance on such lands and shall not erect any generating station except upon the said lands and all provisions for the protection of the Postmaster-General and his telegraphic lines contained in the Act of 1902 and the Act of 1906 shall apply to the exercise of the powers by this section conferred.

Power to limited owners to convey lands.

7. It shall be lawful for any limited owner named in the Second Schedule to this Act whose land the Company are authorised to purchase by agreement for the purposes of their generating stations to grant convey or dispose of the same or any portion thereof to the Company on such terms and conditions as may be agreed upon and the provisions of the Lands Clauses Acts relating to the purchase of lands by agreement shall apply to such purchase and to such owner as if he were a person empowered under the seventh section of the Lands Clauses Consolidation Act 1845 to sell and convey or release lands or any estate or interest therein to the promoters of the undertaking.

Power to take easements &c. by agreement.

8. 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 required for the purposes of this Act (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Contracts for works &c.

9. The Company may contract with any company or person for the execution of any works required for the purposes of this

Act and for the provision letting hiring and use of machinery mains plant fittings and apparatus for those purposes and with respect to the terms and conditions upon which such machinery plant fittings and apparatus may be supplied let hired or used and such works executed and any such agreement may provide that any machinery mains plant fittings or apparatus so let hired or used shall remain the property of the company or person supplying the same and may also provide for payment for the same at such time or times and whether by instalments or periodical payments or otherwise and in such manner as the Company may think fit Provided that any such machinery mains plant fittings and apparatus which remain the property of the company or person supplying the same shall have upon them a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Company as the actual owners thereof.

Power to abstract water from River Stour.

10. The Company may with the consent in writing of the Commissioners of Sewers for several limits in the eastern parts of the county of Kent and the mayor aldermen and burgesses of the borough of Sandwich as conservators of the River Stour respectively abstract and utilise water from the River Stour for condensing and other purposes of their undertaking.

For protection of East Kent District Water Company.

11. For the protection of the East Kent District Water Company (in this section called "the water company") the following provisions shall have effect unless otherwise agreed upon between the Company and the water company (that is to say):—

Where under the provisions of section 18 of the Electric Lighting (Clauses) Act 1899 it shall have been found necessary to temporarily support or to provide a suitable and proper foundation for any pipe or work of the water company the water company themselves may at the reasonable cost of the Company temporarily support or provide a suitable and proper foundation for such pipe or work.

Portion of capital to be raised before powers exercised.

12. The Company shall not exercise any of the powers conferred upon them by this Act with respect to the breaking up of streets unless and until at least fifteen thousand pounds of the capital of the Company is issued and accepted and one half thereof has been paid up such capital being issued bonâ fide and held by the persons to whom the same was issued their

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executors administrators successors or assigns and such persons their executors administrators successors or assigns being legally liable for the same.

Cesser of powers.

13. In the application to the Company of the provisions of the Act of 1902 the following provisions shall have effect in lieu of those contained in section 69 of the said Act (that is to say):—

If within three years from the date of the passing of this Act the Company have not substantially commenced their works and are not in a position to supply electrical energy in accordance with the provisions of the Acts of 1902 and 1906 the Board of Trade may order that the powers of the Company under this Act shall cease as to the whole or any part of the East Kent area of supply and on any such order being made those powers shall cease accordingly Provided always that the Board of Trade shall not make any order under this section if it shall be proved to their satisfaction that the Company have expended upon electric lines apparatus works and plant available and suitable for the purposes of such supply a sum of not less than twenty-five thousand pounds.

Copy of Act to be registered.

14. 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.

There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act. A.D. 1911.

THE FIRST SCHEDULE.

LANDS ON WHICH THE COMPANY MAY ERECT MAINTAIN AND USE GENERATING OR POWER STATIONS.

(1) Land in the parish of Nonington in the rural district of Eastry being part of property numbered 66 on the Ordnance map (scale $\frac{1}{2500}$ third edition 1907) bounded on the west by the South Eastern and Chatham Railway main line (Dover to London) on the north by the rural road from Womenswould to Nonington on the east by the property numbered 227 on the said Ordnance map for 870 feet or thereabouts and thence in the same straight line to meet property numbered 55 on the said Ordnance map at a point where the latter projects northward and on the south by Broomhill Wood numbered 57 on the said Ordnance map and part of said property numbered 55.

(2) Land in the parish of Ash in the rural district of Eastry and numbered 313 on the Ordnance map (scale $\frac{1}{2500}$ third edition 1907) bounded on the north by property numbered 304 on the said Ordnance map on the west by properties numbered 305 and 312 on the said Ordnance map such boundary being 1100 feet or thereabouts east of the Deal Branch of the South Eastern and Chatham Railway on the south by properties numbered 315 and 314 on the said Ordnance map and on the east by the River Stour.

(3) Land in the parish of Eythorne in the rural district of Eastry having an area of five acres and two roods or thereabouts being portion of property numbered 89 on the Ordnance map (scale $\frac{1}{2500}$ third edition 1907) bounded on the north by "New Purchase Farm" Road on the east by the road from Eythorne to Eastry on the south by a by-road dividing it from the Tilmanstone colliery and on the west by properties numbered 88 and 86 on the said Ordnance map.

THE SECOND SCHEDULE.

LIMITED OWNERS.

Henry Western Plumptre.

The Trustees of the Fredville Settled Estates.

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