# CHAPTER cxxi.

An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 to 1909 relating to certain burghs and parishes in the county of Ayr. [31st July 1914.]

A.D. 1914.

WHEREAS under the authority of the Electric Lighting Acts 1882 to 1909 the Board of Trade have made the Provisional Order set out in the schedule to this Act: 45 & 46 Vict. c. 56. 51 & 52 Vict. c. 12. 53 & 54 Vict. c. 13. 2 Edw. 7. c. 35. 9 Edw. 7. c. 34.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Board of Trade under the authority of the said Acts as set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore 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:—

**1.** This Act may be cited as the Electric Lighting Order Confirmation (No. 9) Act 1914. Short title.

**2.** The order as amended and set out in the schedule to this Act is hereby confirmed and the same shall from and after the passing and subject to the provisions of this Act have full validity and effect. Order in schedule confirmed.

**3.**—(1) Nothing contained in this Order shall in any way limit or affect the powers of the county council of the county of Ayr (hereinafter in this section referred to as "the county For protection of county council.

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council") to rebuild alter widen or repair the structure of any bridge upon which any work by this Order authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Order.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking authorised by this Order they shall prior to the commencement of such work give the Undertakers one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Undertakers of electrical energy it is in the opinion of the county council necessary to temporarily remove the mains and other electrical appliances belonging to the Undertakers from such bridge then the Undertakers shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Undertakers shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Undertakers with regard to this section the same shall be determined by an arbiter to be appointed on the application of either party by the Board of Trade.

# SCHEDULE.



## KILMARNOCK ELECTRIC LIGHTING (EXTENSION).

*Kilmarnock (Extension).*

*Provisional Order granted by the Board of Trade under the Electric Lighting Acts* 1882 *to* 1909 *to the Provost Magistrates and Councillors of the Burgh of Kilmarnock in respect of the Burghs of Irvine Troon Galston Newmilns and Greenholm and Darvel and portions of the Parishes of Kilmarnock Riccarton Dundonald the United Parishes of Monkton and Prestwick and the Parishes of Symington Craigie Galston Sorn Loudoun Fenwick Kilmaurs Dreghorn and Irvine all in the County of Ayr.*

Short and collective titles.

1. This Order may be cited as the Kilmarnock Electric Lighting (Extension) Order 1914 and the Kilmarnock Electric Lighting Order 1899 (hereinafter called "the principal Order") and this Order may be cited together as the Kilmarnock Electric Lighting Orders 1899 and 1914.

Incorporation of Electric Lighting (Clauses) Act 1899.

2. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 are (with the exception of section 84 of that schedule) incorporated with and form part of this Order and the undertaking authorised by the principal Order and the Undertakers in respect thereof shall be subject to those provisions and so much of the principal Order as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder Provided that sections 23 and 65 of the said schedule shall apply to the undertaking within the area added by this Order as if the Undertakers were the local authority.

Added area of supply.

3. Subject to the provisions incorporated with this Order there shall be added to the area of supply for the purposes of the principal Order the area (hereinafter called "the added area") which is described in the First Schedule to this Order and is more particularly delineated on the map deposited together with this Order at the Board of Trade by the Undertakers and signed by an assistant secretary to the Board of Trade Provided that in case of difference between the description in that schedule and the area as delineated on the said map the latter shall prevail.

Power to break up streets &c.

4. Subject to the provisions incorporated with this Order the Undertakers are specially authorised to break up the streets within

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*Kilmarnock (Extension).*

the added area not repairable by the local authority and the railway which are mentioned in the Second Schedule to this Order.

Compulsory works.

5. The streets and parts of streets within the added area throughout which the Undertakers are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Order as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are those mentioned in the Third Schedule to this Order.

Power to revoke Order where no mains are laid.

6.—(1) If at the expiration of three years from the commencement of this Order distributing mains shall not have been laid down in the parishes mentioned in the First but not mentioned in the Third Schedule to this Order and forming part of the added area the Board of Trade may if they think fit revoke this Order in respect of the said parishes or any of them where such mains shall not have been laid.

(2) Nothing in this section shall be construed as affecting the power of the Board of Trade to revoke this Order under the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899.

Supply to railways &c. for incidental purposes.

7. If the Undertakers obtain the consent of the Board of Trade under subsection (1) of section 5 of the Electric Lighting Act 1909 to the supply by them within their area of supply of electricity for the purposes of haulage or traction on any railway or tramway situate partly within and partly without those areas or for the purpose of lighting vehicles used on any such railway or tramway they may so supply electricity to be used for purposes incidental to the working or lighting of such railway or tramway other than the purposes aforesaid.

Prices to be charged by Undertakers within the added area.

8. Subject as hereinafter provided the Undertakers shall not charge higher prices for energy supplied to private consumers for lighting purposes or power purposes within the added area than are charged by them for the time being for a corresponding supply within the burgh of Kilmarnock under the principal Order provided that for a period of ten years from the commencement of this Order the price for such a supply for power purposes may exceed by not more than ten per centum the price charged by them for the time being for a corresponding supply within the burgh of Kilmarnock.

Purchase by county council.

9.—(1) The county council of the county of Ayr (hereinafter in this section referred to as "the county council") may within six months after the expiration of twelve years from the commencement of this Order and within six months after the expiration of every subsequent period of five years by twelve months previous notice in writing require

the Undertakers to sell and thereupon the Undertakers shall sell to the county council so much of the undertaking under this Order as is situate within the jurisdiction of the county council including all lands buildings works materials and plant of the Undertakers suitable to and used by them for the purposes of the undertaking within that jurisdiction (but exclusive of high tension mains leading from the electricity station of the Undertakers within the burgh of Kilmarnock to places within the added area which are not within the jurisdiction of the county council) upon the terms of paying to the Undertakers an amount equal to the fair market value of the part of the undertaking purchased as a going concern due regard being had to any loss occasioned by the severance of the undertaking.

(2) The amount to be paid on any such purchase shall be determined in default of agreement by arbitration The Board of Trade may (except as hereinafter provided) determine any other question which arises with reference to the purchase and in default of agreement as to the date on which the purchase is to take effect may fix that date.

(3) From the date on which the purchase takes effect the part of the undertaking and all lands buildings works materials and plant so purchased as aforesaid shall vest in the county council freed from any debts mortgages or obligations of the Undertakers or attaching to the undertaking and the powers of the Undertakers under this Order in relation to the supply of electricity within the jurisdiction of the county council shall absolutely cease and determine and shall vest in the county council.

(4) Before entering upon any arbitration under subsection (2) of this section it shall be determined by agreement between the Undertakers and the county council and failing agreement by arbitration what lands buildings works materials and plant are suitable to and used by the Undertakers for the purposes of the portion of the undertaking within the jurisdiction of the county council And if the county council are dissatisfied with the determination of the arbiter under this subsection they shall for a period of one month after such determination be at liberty to withdraw their said notice to purchase:

Provided that in the event of such withdrawal the county council shall pay to the Undertakers the reasonable costs incurred by them in respect of any such arbitration.

(5) The power of purchase conferred by this section is in addition to and not in derogation of the power of the county council to purchase under section 2 of the Electric Lighting Act 1888.

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*Kilmarnock (Extension).* Purchase by Troon Town Council.

10.—(1) The provost magistrates and councillors of the burgh of Troon (in this section respectively referred to as "the town council" and "the burgh") may at any time within six months after the expiration of a period of twenty-one years from the commencement of this Order and at any time within six months after the expiration of every subsequent period of seven years upon giving twelve months' previous notice in writing to the Undertakers require the Undertakers to sell to them so much of their undertaking under this Order as is within the burgh as constituted at the date of the purchase (including all lands buildings works materials and plant of the Undertakers within the burgh which are suitable to and used by the Undertakers for the supply of electricity within the burgh but excepting any high tension mains laid by the Undertakers within the burgh or any apparatus connected therewith which shall be suitable to and used by the Undertakers for the supply of electricity outside the burgh) upon the terms provided in section 2 of the Electric Lighting Act 1888 and the Undertakers shall sell the same to them accordingly Provided that the amount to be paid by the town council to the Undertakers in respect of such sale and purchase shall in case of difference be determined by an arbiter to be appointed on the application of either party by the Board of Trade and such arbiter shall also determine any other question which may arise with reference to the purchase and may in default of agreement as to the date on which the purchase is to take effect fix that date.

(2) From the date on which the purchase takes effect the part of the undertaking and all lands buildings works materials and plant so purchased as aforesaid shall vest in the town council freed from any debts mortgages or obligations of the Undertakers or attaching to the undertaking and the powers of the Undertakers under this Order in relation to the supply of electricity within the jurisdiction of the town council shall absolutely cease and determine and shall vest in the town council.

(3) In the event of the boundaries of the burgh being extended at any time or times subsequent to the town council having exercised the power of purchase conferred by this section the town council may upon giving notice in writing to the Undertakers at any time within six months after the date of any such extension of boundaries and at any time within six months after the expiration of every subsequent period of seven years require the Undertakers to sell and thereupon the Undertakers shall sell to the town council so much of the undertaking under this Order as is within the area or areas from time to time so added to the boundaries of the burgh (including all lands buildings works materials and plant of the Undertakers within the said added area or areas which are suitable to and used by the Undertakers for the supply of electricity within the said added area or areas but

excepting any high tension mains laid by the Undertakers within the said added area or areas or any apparatus connected therewith which shall be suitable to and used by the Undertakers for the supply of electricity outside such added area or areas) upon the terms specified in subsection (1) of this section Provided that if the county council of the county of Ayr in exercise of the power conferred by section 9 of this Order shall have previously to the date of any such extension of boundaries acquired so much of the undertaking under this Order as is within any area so added to the burgh the option of purchase conferred by this subsection shall if exercised prior to the expiration of the period limited by section 2 of the Electric Lighting Act 1888 be exerciseable by the town council upon the terms specified in subsection (1) of section 9 of this Order in respect of a purchase by the county council under that section in lieu of the terms specified in this subsection Provided further that in determining the price to be paid by the town council to the county council the arbiter shall have regard to the period which has elapsed since the county council acquired the portion of the undertaking within the area so added to the burgh as aforesaid.

(4) The power of purchase conferred by this section is in addition to and not in derogation of the power of the town council to purchase under section 2 of the Electric Lighting Act 1888.

**Purchase by local authorities of Irvine Galston Newmilns and Greenholm and Darvel.**

11. The local authorities of the burghs of Irvine of Galston of Newmilns and Greenholm and of Darvel may purchase so much of the undertaking as is within their respective districts at the like periods and subject to the like conditions as are mentioned and contained in subsection (1) of the immediately preceding section of this Order in the case of a purchase by the local authority of the burgh of Troon and all the provisions of that section (except those of subsection (3) thereof) shall mutatis mutandis apply accordingly.

**As to laying mains within district of local authority who have exercised power of purchase.**

12. Notwithstanding a purchase by any local authority of the part of the undertaking within their district the Undertakers may for the purpose of giving a supply of electricity in their remaining area of supply (if any) exercise the same powers as regards the breaking up of streets railways and tramways in the district of such local authority and of laying down and placing therein electric lines and other works as if the purchase had not been made.

**Commencement of Order.**

13. This Order shall come into force upon the day when the Act confirming this Order is passed and that day shall be the commencement of this Order.

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*Kilmarnock (Extension).*

# SCHEDULES.

## FIRST SCHEDULE.

### The Added Area.

(1) The municipal burghs of Irvine Troon Galston Newmilns and Greenholm and Darvel as respectively constituted at the commencement of this Order and (2) so much of the parishes of Kilmarnock and Riccarton as are beyond the municipal boundaries of the burgh of Kilmarnock and so much of the parish of Dundonald the united parishes of Monkton and Prestwick and the parishes of Symington Craigie Galston Sorn Loudoun Fenwick Kilmaurs Dreghorn and Irvine as lies within an imaginary line commencing at the point in the parish of Dundonald at which the stream known as the Pow Burn enters the sea and drawn thence in a north-easterly direction to the bridge known as the Townhead Bridge on the Ayr and Irvine Road north of the village of Monkton thence in an east by north-easterly direction to the old Toll House at the junction of the road leading to the village of Symington with the Ayr and Kilmarnock Road thence in an easterly direction for a distance of eleven and one-half miles or thereabouts to Dog Hillock on the Logan Burn at the point at which that burn is crossed by the boundary of and between the parishes of Galston and Sorn thence along the Logan Burn in a north-easterly direction to its junction with the Gower Water thence in a northerly direction to the junction of the road from Laigh Overmuir farmhouse with the road leading to the village of Eaglesham thence in a westerly direction to a point on the Kilmarnock to Glasgow road two hundred and twenty yards or thereabouts measured in a north-westerly direction from the north-west corner of the corn mill known as Gardrum Mill thence in a westerly direction to a point on the low water mark of ordinary spring tides on the foreshore of the parish of Irvine one mile six hundred and sixty yards or thereabouts measured in a north-westerly direction along the said low water mark from the north-west corner of the pier or breakwater on the north side of the entrance from the sea to Irvine Harbour thence in a south-easterly direction along the said low water mark to the point herein-before described as the commencement of the said imaginary line all in the county of Ayr.

## SECOND SCHEDULE.

*Streets not repairable by the local authority and railway within the added area which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.*

(A) Streets :—

The roadways on the following bridges over railways and the approaches thereto :—

In the burgh of Irvine.—Bridge carrying the road from Irvine to Ayr over the Glasgow and South-Western Railway (Busby Branch).

In the burgh of Darvel.—Bridge carrying the Kilmarnock to Strathaven Road over the Glasgow and South-Western Railway (Darvel and Strathaven Branch).

In the parish of Kilmarnock.—Bridge carrying the Kilmarnock to Strathaven Road over the Glasgow and South-Western Railway (Mayfield Branch) Mount Bridge carrying the Dundonald Road over the Glasgow and South-Western Railway (Kilmarnock and Troon Branch).

In the parish of Riccarton.—Bridge carrying the Hurlford Road over the Glasgow and South-Western Railway (Gatehead and Hurlford Branch).

In the parish of Dundonald.—Gateside Bridge carrying the road from Irvine to Ayr over the Glasgow and South-Western Railway (Kilmarnock and Troon Branch) Bridge carrying the Dundonald to Troon Road over the Glasgow and South-Western Railway (Ayr and Stranraer Branch).

And the roadways under the following railway bridges :—

In the parish of Riccarton.—Bridge carrying the Glasgow and South-Western Railway over the Hurlford Road.

In the parish of Dundonald.—Bridge carrying the Glasgow and South-Western Railway (Kilmarnock and Troon Branch) over the road from the Irvine to Ayr Road to Barassie Bridge carrying the Glasgow and South-Western Railway (Ayr and Stranraer Branch) over the road from the Irvine to Ayr Road to Barassie.

(B) Railway :—

In the parish of Kilmaurs.—The level crossing of the Glasgow and South-Western Railway (Kilmarnock and Troon Branch) in Dundonald Road at Gatehead.

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*Kilmarnock (Extension).*

## THIRD SCHEDULE.

*Streets and parts of streets throughout which the Undertakers are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Order.*

In the burgh of Irvine.—Fullarton Street Bridgegate High Street.

In the burgh of Troon.—Bentinck Drive South Beach Road Temple Hill between Portland Street and Wood Road.

In the burgh of Galston.—Bridge Street Henrietta Street.

In the burgh of Newmilns and Greenholm.—Brown Street.

In the burgh of Darvel.—Main street between Burn Road and Darvel Mill Ranoldcoup Road for a distance from Main Street of two hundred and twenty yards or thereabouts measured in a southerly direction from Main Street.

In the parish of Loudoun.—Main road (from the boundary of the burgh of Darvel to the boundary of the burgh of Newmilns and Greenholm).

In the parishes of Riccarton and Kilmarnock.—Main road (from the bridge over the Glasgow and South-Western Railway (Mayfield Branch) to the bridge carrying the Glasgow and South-Western Railway (Main Line) over the said road).

In the parish of Dundonald.—Unnamed road leading through the South Wood Troon.

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