CHAPTER lxix.

An Act to confer further powers on the corporation of Greenock in relation to their electricity undertaking. [31st July 1923.]

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WHEREAS the burgh of Greenock (in this Act called "the burgh") in the county of Renfrew is under the government for municipal purposes of the corporation of Greenock (in this Act called "the Corporation") and the control and management of the streets and roads within the burgh are vested in and exercised by the Corporation:

And whereas by the Greenock Corporation Act 1909 (in this Act called "the Act of 1909") the local Acts and Orders relating to the improvement and local government of the burgh were consolidated and further powers were conferred upon the Corporation:

And whereas under the powers contained in the Electricity (Supply) Acts 1882 to 1922 the Act of 1909 and the Port Glasgow Electric Lighting Order 1913 the Corporation supply electricity within the burghs of Greenock and Port Glasgow and for the purposes of their electricity undertaking the Corporation have erected and are using a generating station within the burgh:

And whereas by the Gourock Electricity Special Order 1923 powers were conferred upon the provost magistrates and councillors of the burgh of Gourock in relation to the supply of electricity in the burgh of Gourock and provision made for the transfer of the undertaking under that Order to the Corporation:

[*Price* 6*d. Net.*]

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And whereas the Corporation have constructed a culvert and pumping station for and are by agreement with the trustees of the port and harbours of Greenock taking water for the purposes of their electricity generating station from the Victoria Harbour within the burgh and it is expedient that the construction of the said culvert and pumping station should be sanctioned and confirmed and that the further powers in this Act contained in relation to their electricity undertaking should be conferred upon the Corporation:

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 and citation.

1. This Act may be cited as the Greenock Corporation (Electricity) Act 1923 The Act of 1909 the Greenock Improvement Order 1919 the Greenock Corporation Order 1921 and this Act and any Order confirmed during the present session of Parliament relating to the Corporation may be cited together as the Greenock Corporation Acts 1909 to 1923.

Interpretation.

2. In this Act the several words terms and expressions to which meanings are assigned by the Electricity (Supply) Acts 1882 to 1922 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires the following expressions shall have the respective meanings in this section applied to them (that is to say):—

"The burgh" means the burgh of Greenock;

"The Corporation" means the corporation of Greenock;

"The area of supply" means the area within which the Corporation are or may hereafter be authorised to supply electricity.

Sanctioning construction of culvert and

3. The construction of (*a*) the existing culvert commencing in the south wall of the Victoria Harbour at a point fifty-seven yards or thereby measured in an easterly direction from the south-west corner of the said

harbour and terminating at the pumping station hereinafter described and (*b*) the existing pumping station at the corner of Baker Street and Dellingburn Square both situate within the burgh and already constructed by the Corporation is hereby sanctioned and confirmed and the Corporation may maintain alter enlarge renew and use such culvert and pumping station as part of their electricity undertaking and may retain hold and use any lands or any interests therein which have been acquired by them for the purposes of or in connection therewith and the expenditure by the Corporation of moneys for the purposes of the said culvert and pumping station and lands is also hereby sanctioned and confirmed. A.D. 1923. pumping station.

4. The Corporation may take water from the harbours of Greenock for the purposes of the electricity generating station of the Corporation. Power to take water from harbours of Greenock.

5. The Corporation may at any time cause water from their electricity works at Dellingburn Street to be discharged into the Dellingburn or any other available stream or watercourse. Discharge of water into streams.

6. The Corporation may subject to the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 construct and maintain in or under any street within the area of supply sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient : Power to construct electrical sub-stations under streets.

Provided that no such sub-station transforming station or other work shall be constructed in any street repairable by or within a distance of twenty-five yards from the entrance to any railway station belonging to the London Midland and Scottish Railway Company or the Caledonian Railway Company as the case may be (in this section referred to as "the railway company") or on any bridge carrying any street or road over any railway of the railway company except with their consent in writing which consent shall not be unreasonably withheld Any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport :

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Provided further that no such sub-station transforming station or other work shall be constructed within six feet of the wall of any naval establishment except with the consent of the Admiralty.

Power to lay electric mains in private streets.

7. The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street not repairable by the local authority within the area of supply supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes of this section as if all such streets had been specified in this Act.

Provisions as to supply of electricity by agreement.

8. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement :

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify in what respect the electricity is used contrary to the terms of such agreement.

Notice to discontinue supply of electricity.

9.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Corporation or be given by the consumer personally at the office of the Corporation.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

Power to recover

10. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work

through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. charge for re-connection.

11. The Corporation may in connection with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations of the uses to which electricity can be put and may appoint and pay persons for the purposes aforesaid. As to offices and showrooms.

12. Notwithstanding anything in this Act contained the following provisions for the protection of the trustees of the port and harbours of Greenock (hereinafter in this section referred to as "the trustees") shall unless otherwise agreed between the trustees and the Corporation apply and have effect (that is to say) :— For protection of trustees of port and harbours of Greenock.

(1) If at any time the trustees consider it necessary for the purpose of the development or alteration of their undertaking or for preventing danger to the traffic at the port and harbours of Greenock as defined in the Greenock Port and Harbours Consolidation Act 1913 or to the works of the trustees that the position of the existing culvert referred to in the section of this Act of which the marginal note is "Sanctioning construction of culvert and pumping station" or any altered or enlarged culvert shall be altered the Corporation shall at their own expense and at the request of the trustees alter the position of the said culvert or any altered or enlarged culvert and shall reconstruct the same in such position as the trustees may reasonably approve and the trustees shall afford the Corporation all such facilities as they may reasonably require for that purpose Any alteration or enlargement of the said culvert in or under the property of the trustees shall be subject to the consent of the trustees and shall be carried out subject to such terms and conditions as the trustees may reasonably approve :

(2) The Corporation shall not under the powers of this Act take water from the harbours of

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Greenock except at such point or points and upon such terms and conditions as have been or may be agreed upon between the Corporation and the trustees :

(3) The Corporation shall not under the powers of this Act discharge or cause to be discharged into the Dellingburn or any other stream or watercourse flowing into the said port and harbours of Greenock any water at a temperature exceeding one hundred degrees Fahrenheit :

(4) The provisions of the section of this Act of which the marginal note is "Power to lay electric mains in private streets" shall not be exercised in respect of any part of the said port and harbours of Greenock :

(5) If any question arises under this section between the trustees and the Corporation that question shall be referred to and determined by an arbiter to be mutually agreed upon or failing agreement to be appointed on the application of either party by the sheriff of Renfrew and Bute or his substitute at Greenock.

For protection of Caledonian Railway Company.

13. For the protection of the Caledonian Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect :—

(1) The culvert sanctioned by the section of this Act whereof the marginal note is "Sanctioning construction of culvert and pumping station" so far as the same is situate under and in the vicinity of the railway of the company shall be maintained by and at the expense of the Corporation and to the reasonable satisfaction of the company :

(2) The Corporation shall free and relieve the company of all liability and shall indemnify them of and from all loss injury and damage arising from or due to the construction maintenance or use of the said culvert :

(3) The Corporation shall not under the powers conferred by the said section either enlarge or renew any part of the said culvert under and in

the vicinity of the railway or property of the company except with the consent in writing of the company which consent shall not be unreasonably withheld and in the event of the Corporation enlarging or renewing such part of the said culvert as aforesaid the work shall be carried out free of expense to the company and at their sight and to their reasonable satisfaction and no blasting shall be permitted for the purposes of the work:

(4) If any question arises under this section between the company and the Corporation that question shall be referred to and be determined by an arbiter to be appointed on the application of either party by the Minister of Transport and the decision of such arbiter shall be final.

Works below high-water mark not to be constructed without consent of Board of Trade.

14. The Corporation shall not under the powers of this Act construct on in over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Crown rights.

15. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea

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or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Receipts and expenses.

16.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electricity (Supply) Acts 1882 to 1922 and the provisions of Sections 7 (Expenses of local authority) and 8 (Power of local authority to borrow money) of the Electric Lighting Act 1882 shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Act shall be deemed to be moneys received in respect of their electricity undertaking and shall be applicable accordingly.

Costs of Act.

17. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the revenues of their electricity undertaking or out of any moneys borrowed for that purpose and if paid out of borrowed moneys shall be repaid within five years after the passing of this Act.

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