CHAPTER ccxiii.

An Act to make further provision for the Lighting of the Borough of Liverpool, and to extend the powers of the Mayor, Aldermen, and Burgesses of the Borough in relation to the supply of Light by Electricity; and for other purposes. [11th August 1879.] A.D. 1879.

WHEREAS under the provisions of the Public General Acts relating to municipal corporations and to public health, and of an Act of twenty-first of George the Second, chapter twenty-four, for lighting and watching the borough, certain duties and powers in relation to the lighting of the borough of Liverpool (herein-after in this Act called "the borough") are imposed upon or vested in the mayor, aldermen, and burgesses of the said borough (herein-after in this Act called "the Corporation"), acting by the council, as the municipal and sanitary authority of the said borough:

And whereas it is expedient that the Corporation should, for the purposes of experiment, be authorised for a limited period to manufacture or provide and to supply light, for the purposes in this Act mentioned (but not for purposes of profit), by means of electricity within the borough, and that all incidental and supplementary powers for this purpose and other purposes connected therewith (including the supply of heat and of motive power) should be conferred upon the Corporation:

And whereas it is expedient that the Corporation should be authorised to borrow moneys for the purposes of this Act:

And whereas the Corporation have a surplus not derived from rates on account of their borough fund, after providing for all the purposes of the Municipal Corporations Act, 1835, and the Acts amending the same, and for all other purposes the cost of which is chargeable thereon: 5 & 6 W. 4. c. 76.

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

A.D. 1879.

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:

Short title.

1. This Act may be cited as the Liverpool (Corporation) Electric Lighting Act, 1879.

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act—

38 & 39 Vict. c. 55.

The word "street" has the same meaning as in the Public Health Act, 1875:

The expression "place of public resort" means—

(1.) Any premises belonging to or used by the Corporation, whether as the municipal or as the sanitary authority;

(2.) Any of the premises belonging to the Mersey Docks and Harbour Board which that board from time to time require to be lighted under this Act;

(3.) Any railway station, public slaughter-house, or public theatre:

The expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Part I.—Lighting Powers.

Power to supply electric light.

3. During a period of five years from the first day of September one thousand eight hundred and seventy-nine, and for the purposes of lighting streets and places of public resort, but for no other purpose, it shall be lawful for the Corporation within the borough to supply light by means of electricity, and for that purpose to exercise any of the powers herein-after in this section mentioned and subject to the provisions herein-after in this section contained; (that is to say,)

(i.) For any of the purposes of this section they may use any lands for the time belonging to or held on lease by them and not by any Act specifically appropriated to any other purpose, or may purchase by agreement and take on lease any lands:

(ii.) They may upon any such lands erect and maintain any necessary workshops, engine-houses, storehouses (including places for storing electricity for producing light), or other buildings necessary for any of the purposes of this section:

(iii.) They may manufacture, buy, or hire, and may use, and may supply, sell, or let, any machinery, steam-engines, gas-engines, or other apparatus (including meters and fittings) necessary for the purposes of this section:

(iv.) Subject to the provisions of this section, they may buy any gas or fuel, or buy or rent any other motive power, and may buy or rent and sell or let any materials or articles necessary for the purposes of this section:

(v.) They may acquire licenses (not being exclusive) for themselves or for any persons, companies, or corporations licensed or supplied by them for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things:

(vi.) They may exercise for the purposes of this section, in the whole or any part of the borough, as to electric light, any of the powers which are vested in or exerciseable by a corporation or sanitary authority under the Acts relating to municipal corporations or the Public Health Act, 1875, for lighting by oil or gas:

(vii.) They may exercise for the purposes of this section, as to electric light, any of the powers which, under the provisions of any Act incorporating the Gasworks Clauses Act, 1847, or the Gasworks Clauses Act, 1871, might for the purposes of any gas undertaking be exercised by the undertakers: 10 & 11 Vict. c. 15. 34 & 35 Vict. c. 41.

(viii.) They may supply by agreement for use in any place or places of public resort light produced by electricity and meters or other fittings, or may let meters or other fittings for any of the purposes of this section:

(ix.) They may charge, in advance or otherwise, for any light, engines, machines, apparatus, meters, fittings, or other things supplied or let under the powers of this section such rents or sums as may from time to time be agreed on, and may recover any such rent or sum as a debt in any court of competent jurisdiction:

(x.) Generally they may do all things necessary and incidental to the purposes of this section.

No greater payment shall be received by the Corporation in respect of the supply of light under this Act in any place of public

A.D. 1879.

resort than the actual cost of the same, such cost to be determined in case of dispute by the Board of Trade.

All the provisions of this section shall extend to the production and supply by the Corporation of heat or motive power by application of the electricity by which they produce or supply light under the provisions of this section.

Nothing in this section shall authorise the Corporation to manufacture, sell, or supply gas.

Nothing in this section shall prevent any person, corporation, or company from doing, on premises owned or occupied by him or them, anything for the purpose of producing electric light for use on such premises which he or they could have lawfully done if this Act had not passed.

Nothing in this Act shall authorise the Corporation to interfere with any of the mains, pipes, or property of the Liverpool United Gaslight Company without the consent of that Company.

Protecting works under control of Postmaster General.

4. Before laying any wires or mains or doing any works for the purposes of this Act, the Corporation shall give to the Postmaster General fourteen days notice thereof, and shall conform to such reasonable regulations or orders as may from time to time be made by the Postmaster General for the protection of the wires or working of any telegraphs under his control from being injuriously affected by reason of the works to be executed under this Act: Provided that if any difference arises between the Postmaster General and the Corporation with respect to any such regulation or order, such difference shall, on the request of the Postmaster General or of the Corporation, be determined by some person or persons to be nominated from time to time for this purpose by the Board of Trade.

Expenses to be charged on the borough fund.

5. All expenses from time to time incurred by the Corporation in carrying this Act into effect shall be charged on the borough fund, and all receipts received by the Corporation under this Act shall be carried to the borough fund.

Part II.—Borrowing Powers.

Power to borrow money.

6. The Corporation may from time to time, with the consent of the Local Government Board, borrow at interest on the security of the borough fund and borough rate, for the purposes of their lighting undertaking under this Act, such sum or sums as the Corporation from time to time find requisite, not exceeding in the whole the sum of fifty thousand pounds, and they may mortgage the borough fund and rate as a security for the repayment of

money so borrowed, with interest accordingly. The provisions of sections 237 to 239 (both inclusive) of the Public Health Act, 1875, shall apply to mortgages under this Act, with the modifications necessary for referring to this Act, and for describing the Corporation, and the securities comprised in such mortgages.

Form of mortgage.

7. Every mortgage made by the Corporation under this Act shall be by deed under their common seal, duly stamped, and truly stating the consideration, and may be in the form given in the schedule to this Act, or to the like effect.

Coupons for interest on mortgages.

8. The Corporation may issue to holders of their mortgages under this Act coupons for interest thereon, in such form as they think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Corporation think fit, and on presentation of a coupon to the treasurer of the borough he shall pay to the presenter the amount of interest thereon expressed and thereby appearing to be then due and payable, and on the audit of the treasurer's accounts a coupon shall be accepted as a sufficient warrant for his payment of the amount for which it was issued, but the treasurer shall not be bound, unless he sees fit, to make any payment of interest beyond the amount of the money of the Corporation then in his hands and applicable in that behalf.

Payment off of money borrowed by instalments or sinking fund.

9. The Corporation shall pay off within ten years after the passing of this Act any money borrowed by them under this Act, either by equal half-yearly instalments or by means of a sinking fund, appropriated and invested and with the accumulations thereof (if any) from time to time applied for that purpose, and in the case of a sinking fund being adopted all the payments shall be such as the Local Government Board from time to time approve, and the same shall be invested only in such securities in which the Corporation are by any Acts at present in force relating to the borough authorised to invest sinking funds.

Power to re-borrow.

10. The Corporation may from time to time re-borrow any amount borrowed by them under this Act, and paid off otherwise than by instalments or by means of a sinking fund: Provided that the time for repayment of money so re-borrowed shall not extend beyond the unexpired part of the period for which the original loan was authorised, and that any amounts so re-borrowed for the purpose of repaying the original loan or any part thereof shall be deemed to be part of the original loan, and such re-borrowing shall

A.D. 1879.

not affect the obligations of the Corporation under this Act with respect to a sinking fund or instalments.

Protecting lenders.

11. A lender of money to the Corporation under this Act shall not be bound or entitled to inquire as to the observance by the Corporation of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application, of the money lent by him or any part thereof.

Priority of existing mortgages.

12. All mortgages granted by the Corporation, subsisting at the passing of this Act, shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Application of revenue.

13. The Corporation shall keep accounts in respect of lighting separate from all their other accounts, and shall in such accounts distinguish their expenditure on revenue or capital account, and shall apply all money from time to time received by them in respect of their lighting undertaking, except borrowed money, as follows; (that is to say,)

First. In payment of their costs, charges, and expenses of and incidental to the collecting and recovering of lighting rents and charges and of the borrowing of money under this Act;

Secondly. In payment of the working and establishment expenses and cost of maintenance of their lighting undertaking;

Thirdly. In payment of the interest on money borrowed under this Act;

Fourthly. In providing the requisite instalments or sinking fund under this Act;

Fifthly. In providing a reserve fund, if they think fit, by setting aside such money as they from time to time think reasonable, and investing the same and the resulting income thereof in Government securities, or in securities in which they are by this Act authorised to invest sinking funds, and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds, which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from their lighting undertaking, or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds, and so from time to time as often as such reduction happens;

and shall carry to the borough fund any balance remaining in any

year, and the annual proceeds of the reserve fund when amounting to five thousand pounds. A.D. 1879.

Application of money borrowed.

14. The money borrowed under this Act shall be applied for the purposes for which it is authorised to be borrowed, and generally for objects to which capital money is properly applicable, and for no other purposes.

Annual return to Local Government Board with respect to sinking fund.

15. The treasurer of the borough shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid off by instalments under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the amount paid off by instalment, and the purposes to which any portion of the sinking fund or investment or of the sums (if any) accumulated by way of interest has been applied during the same period, and the total amount, if any, remaining invested at the end of the year; and in the event of any wilful default in making such return, he shall be liable to a penalty not exceeding twenty pounds. If it appears to the Local Government Board, by that return or otherwise, that the Corporation have failed to set apart the sum required for the sinking fund, or to pay any instalment, or have applied any portion of the money set apart for the sinking fund, or of any sums accumulated by way of interest, to any purposes other than those authorised, the Local Government Board may, if they think fit, and after hearing the Corporation, if desirous to be heard, by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund, and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Court of Queen's Bench.

As to notices, &c. 30 & 31 Vict. c. clxviii.

16. Sections eighty-seven and eighty-eight of the Liverpool Improvement Act, 1867, with respect to notices or other documents or proceedings, shall apply to notices, documents, or proceedings to be given or served under this Act, or under any other Act so far as such other Act is incorporated with this Act, and for the purposes of this Act.

Corporation not exempt from provisions of any present or

17. Nothing in this Act shall exempt the Corporation or their lighting undertaking from the provisions of any general Act

Future general Acts relating to lighting by electricity.

relating to lighting by electricity or other similar means which may be passed in this or any future session of Parliament.

Expenses of Act.

18. The costs of and incidental to the applying for and obtaining this Act shall be paid by the Corporation out of any moneys not derived from rates from time to time standing to the credit of the surplus of the borough fund.

SCHEDULE referred to in the foregoing Act.

Mortgage of Rates.

THE LIVERPOOL (CORPORATION) LIGHTING ACT, 1879.

Mortgage No. £

By virtue of the above-mentioned Act, and subject to the provisions thereof relating to priorities of charges, the mayor, aldermen, and burgesses of the borough of Liverpool, in consideration of pounds paid to them by *A.B.* of , grant to him, his executors, administrators, and assigns, the borough fund and borough rate of the borough, to hold until the said sum be repaid to him or them, with interest at the yearly rate of in the hundred, by equal half-yearly payments on the day of and the day of in every year from the date hereof, the principal to be repaid on the day of at the option of either party, and all payments to be made at the office of the treasurer of the borough.

Given under the seal of the mayor, aldermen, and burgesses, this day of 18 .

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