CHAPTER cc.

An Act to confer further powers on the Metropolitan Electric Supply Company Limited with respect to electrical energy and for other purposes. A.D. 1905.

[11th August 1905.]

WHEREAS in the year one thousand eight hundred and eighty-seven a company was formed under the name of the South Metropolitan Electric Supply Company Limited with the objects (inter alia) of the production transmission storage and use by any means and for any purpose of light and heat and electric magnetic or other force and of acquiring land and buildings for any purpose of the Company and the said company was duly registered under the Companies Acts 1862 to 1900 and the name of the said company was subsequently changed to that of the Metropolitan Electric Supply Company Limited who are hereinafter referred to as "the Company":

And whereas by the Metropolitan Electric Lighting Act 1889 the Company were subject to the provisions of that Act constituted undertakers under the Electric Lighting Acts 1882 and 1888 for the purpose of supplying electrical energy within an area of supply therein described consisting of the portions of the parish of Saint Martin-in-the-Fields therein defined: 52 & 53 Vict. c. cxcvi.

And whereas by the Metropolitan Electric Supply Company (Mid-London) Lighting Order 1889 set out in the schedule to and confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1889 the Company were constituted undertakers subject to the provisions of that Order to carry on another undertaking for the supply of energy within an area of supply defined by the said Order namely the Saint Giles' district the Holborn district and the Strand district:

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And whereas by the Metropolitan Electric Supply Company (West London) Lighting Order 1889 which is set out in the schedule to and confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1889 the Company were constituted undertakers subject to the provisions of that Order to carry on another undertaking for the supply of electrical energy within the area of supply defined by the said Order namely the parish of Saint Marylebone:

And whereas by the Metropolitan Electric Supply Company (Paddington) Lighting Order 1890 which is set out in the schedule to and confirmed by the Electric Lighting Orders Confirmation (No. 12) Act 1890 the Company were constituted undertakers subject to the provisions of that Order to carry on another undertaking for the supply of electrical energy within an area of supply defined by the said Order namely the parish of Paddington:

And whereas the Company in the year one thousand eight hundred and ninety-seven purchased for the objects and purposes stated in their memorandum of association certain lands partly in the parish and urban district of Willesden and partly in the parish and urban district of Acton and by the Metropolitan Electric Supply Company Act 1898 (hereinafter called "the Act of 1898") statutory authority was conferred upon the Company to establish and work on the said lands plant for generating electrical energy and for other purposes incidental to or connected with their undertaking or business and by section 16 of the Act of 1898 it was provided that it should be lawful for the Company to use their generating station on the said lands for the purpose of supplying electric current or electrical energy within the several areas or districts in which the Company were or might thereafter be authorised to supply electrical energy under special Act or Provisional Order and the Company were empowered to use any of their cables or wires and any mains or cables connected therewith for the transmission of electric current or electrical energy from their works on their said lands at Willesden and Acton to their several distributing stations in the areas mentioned in section 16 of the Act of 1898:

61 & 62 Vict. c. ccxxxv.

And whereas the Company duly established and equipped the said station and under the powers of the said Act laid down a line of cables and wires therefrom between the said station and their several statutory areas of supply in the county of London

following for the most part the towing-path of the Grand Junction Canal:

1 Edw. 7. c. ccxxviii.

And whereas by the Metropolitan Electric Supply Company Act 1901 (hereinafter called "the Act of 1901") the Company were empowered to lay down a second line of cable between the said station and their said statutory areas of supply through the parish and urban district of Willesden in the county of Middlesex and in part through the metropolitan boroughs of Hammersmith Kensington and Paddington in the county of London and the Company have laid down and completed the said second line of cable accordingly:

And whereas the Company in further exercise of their powers under their memorandum of association have since purchased other lands in the said parish and district of Acton for the purpose of extending their generating station and works:

And whereas by the Electric Lighting Order Confirmation (No. 1) Act 1901 it was provided that the Company should sell and the council of the metropolitan borough of Saint Marylebone should purchase the undertaking and business of the Company in the said borough as defined in the said Act (except certain offices of the Company and the extra high pressure trunk mains of the Company in the said borough) and the said purchase has been carried out in accordance with the said Act and it was provided by the said Act that notwithstanding anything therein or the purchase by the borough council of the said undertaking the Company might relay maintain alter or renew in and through the borough of Saint Marylebone trunk mains between the stations of the Company or any of them and that for that purpose all reasonable facilities should be afforded by the borough council to the Company:

And whereas owing to the said compulsory purchase of the Saint Marylebone undertaking and business of the Company the Company remain with accommodation machinery and plant which will no longer be required for the production of energy for the purpose of that undertaking but which will be capable of utilisation for supply elsewhere and it is expedient that the Company should be empowered to supply electrical energy in part of the county of Middlesex adjoining or near to their said station and lands in that county and in part of the county of London in manner hereinafter authorised:

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And whereas the metropolitan borough of Paddington as constituted in pursuance of the London Government Act 1899 includes an area which was formerly a detached part of the parish of Saint Luke Chelsea contiguous to the then parish of Paddington and it is expedient that the powers of the Company under the Paddington Lighting Order as now applicable to Paddington should be extended so as to provide for the supply of energy throughout the said area formerly part of the parish of Saint Luke Chelsea so included in the said borough:

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 Metropolitan Electric Supply Company (Various Powers) Act 1905.

Interpretation.

2. In and for the purposes of this Act the following expressions have the following meanings (viz.):—

"The district defined in this Act" means the local areas mentioned in the sections of this Act of which the marginal notes are respectively "Power to sell and "transmit electrical energy in parts of county of "Middlesex" and "Additional powers as to certain metropolitan boroughs";

"Authorised distributors" means any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a general supply of energy within an area of supply defined in and for the purposes of such Act or Order and being within the district defined in this Act;

"Area of supply" of authorised distributors means the area defined in the Act or Order confirmed by Act of Parliament relating to such distributors as the area or limits of supply within which the powers of such distributors are made exerciseable;

"Energy" means electrical energy and includes electricity as defined by the Electric Lighting Act 1882;

In the construction of the enactments incorporated with this Act terms to which meanings are assigned in the Electric Lighting Act 1882 and the Electric Lighting (Clauses) Act 1899 have for the purposes of and subject to the provisions of this Act the same respective meanings;

"Electric line" means a wire or wires conductor or other means of conveying or transmitting electrical energy with any casing coating covering conduit tube pipe or insulator enclosing surrounding or supporting the same or any part thereof or any apparatus connected therewith for the purpose of conveying or transmitting electrical energy;

"Trunk main" means any main or cable which is used solely for the transmission of energy from any generating station to any other station or works of the Company or to any station or works of an authorised distributor to which the Company may be required to give a supply and the conduits or other works which may be constructed or laid down in connection with such main or cable.

Limiting application of certain general Acts.

3. The Electric Lighting Acts 1882 and 1888 shall so far as applicable apply to any works authorised and powers conferred by this Act but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to any works authorised or powers conferred by this Act and there shall be incorporated with this Act and extend and apply (so far as applicable) to and for the purposes of and subject to the provisions of this Act the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 which are therein set out under the following headings and numbers (that is to say):—

Nature and mode of supply (section 10);

Works (sections 11 to 20 inclusive);

Electric inspectors (sections 36 and 38);

Testing and inspection (sections 39 40 42 to 48 inclusive);

Meters (sections 49 to 59 inclusive);

Notices &c. (sections 61 and 62);

General (sections 69 to 82 inclusive):

And for the purposes of this Act the expression "the Company" shall be substituted in the provisions so incorporated

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for the expression "the undertakers" and the expression "this Act" for the expressions "the special Order" and "Order" and except as aforesaid the provisions of the Electric Lighting (Clauses) Act 1899 shall not apply to the Company in respect of powers conferred by this Act:

Provided that nothing in this Act shall extend section 81 of the schedule to the Electric Lighting (Clauses) Act 1899 so as to be operative in respect of lands which under any special Act the Company have power to use for the establishment and working thereon of plant for generating electrical energy and for other purposes incidental to or connected with their business or shall alter or affect any liability as to nuisance in respect of the use of such lands to which the Company were subject immediately before the passing of this Act:

Provided nevertheless that all provisions for the protection of the Postmaster-General which are contained in the Electric Lighting Act 1882 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall be incorporated with this Act and shall apply to the Company in exercising any powers under this Act.

Application within London of incorporated sections of Electric Lighting (Clauses) Act 1899.

4. For the purpose of making applicable within the county of London the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated in this Act under the headings and numbers specified in the preceding section the London County Council shall have the same powers and be subject to the same provisions and the Company shall be subject to the same obligations in relation to the London County Council as are provided by the sections of the Metropolitan Electric Supply Company (Mid-London) Lighting Order 1889 which correspond to the said incorporated sections of the Electric Lighting (Clauses) Act 1899 and for the purpose of the incorporation in this Act of the provisions of section 14 of the Electric Lighting Act 1882 the expression "local authority" in that section shall be deemed to include the London County Council.

Power to sell and transmit electrical energy in parts of county of Middlesex.

5. Subject to the provisions of this Act and notwithstanding anything contained in any former Act it shall be lawful for the Company to sell and transmit electrical energy to authorised distributors within any part or parts of the district in the county of Middlesex comprising the following local areas (viz.):—

The borough of Ealing and the urban districts of Acton Hanwell Southall-Norwood Greenford Uxbridge Hayes

Chiswick Brentford Heston and Isleworth Twickenham Teddington Hampton Hampton Wick Sunbury-on-Thames Feltham and Staines and the rural districts of Uxbridge and Staines;

and to use all or any of their stations lands mains and apparatus for that purpose.

Extent of use of energy supplied.

6. The energy supplied to authorised distributors may be used by them for any purposes for which they are authorised to use energy.

For protection of Brentford Gas Company.

7. For the protection of the Brentford Gas Company (in this section called "the Brentford Company") the following provisions shall have effect:—

If it be proved that any injury or damage to any gas mains pipes or other metallic pipes structures or substances of the Brentford Company shall have resulted from fusion or electrolytic action caused by any currents generated and used by the Company for the purpose of electric energy under this Act nothing in this Act shall relieve the Company from any liability to make compensation for any such injury or damage which would have existed but for the passing of this Act.

Company to furnish supply of energy to authorised distributors.

8. The Company shall upon being required to do so by any authorised distributors give and continue to give to such distributors at such point or points within the area of supply of such distributors as they may reasonably require a supply of energy in bulk at a price not exceeding the prices stated in the schedule to this Act and they shall furnish and lay within the district defined in this Act such electric lines as may be necessary for the purpose of supplying to such distributors at such point or points the maximum power with which such distributors may require to be supplied under this Act.

Every such distributor requiring a supply of energy shall—

Serve a notice upon the Company specifying the point at which such supply is required to be given and the maximum power required to be supplied and the day upon which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the district and to the length of electric line required to be laid and plant required to be erected for affording such supply); and

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Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty pounds per centum per annum on the outlay (excluding expenditure on generating plant and any electric line then laid) incurred by the Company for affording the supply required.

The Company may charge for a supply of energy to such distributors either by the actual amount of energy so supplied or by the electrical quantity contained in the supply or by such other method as may be agreed between the Company and such distributors.

Provided that if the Company give a supply under this section to any authorised distributor the Company shall if required by any local authority within the district defined in this Act being an authorised distributor give a supply to such local authority on terms as favourable as those which are given in the case of any other authorised distributor in similar circumstances.

If any difference arises under this section such difference shall be determined by arbitration.

Penalty for failure to supply in bulk.

9. Whenever the Company make default in providing energy in bulk to any authorised distributor for whom they may be and are under this Act required to provide such energy in bulk in accordance with the foregoing provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds for each day on which the default occurs:

Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default (not being a wilful default on the part of the Company) the sum of two hundred pounds And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Improper use of energy.

10. If any authorised distributor supplied with energy by the Company under this Act uses such energy for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other consumer

by the Company the Company may if they think fit discontinue such energy to such authorised distributor so long as such user continues.

Notice of discontinuance of supply.

11. Any authorised distributor supplied with energy by the Company under this Act who is desirous of discontinuing to receive such supply shall (subject to the provisions of any contract with the Company) give to the Company twelve months' notice in writing of his intention to discontinue to receive such supply Such notice may be given so as to expire at the end of the period for which the distributor has contracted to continue to receive and pay for such supply or at any subsequent date.

As to opening streets.

12. For the purpose of enabling the Company to provide under the powers of this Act energy to authorised distributors or to any company body or person as authorised by this Act it shall be lawful for the Company subject to the provisions of this Act to open and break up streets within the district defined in this Act and to lay down maintain renew and use within such district and on any lands belonging to them mains conduits cables wires tubes boxes and apparatus for the purpose of providing electrical energy for that purpose:

Provided that any trenches or excavations made by the Company for the purposes of laying mains conduits cables wires tubes boxes pipes and apparatus or repairing the same shall be filled in and made safe by the Company within a reasonable time after the same shall have been opened for such purposes as aforesaid in a good and workmanlike manner and to the satisfaction of the surveyor for the time being of the respective local authorities and the permanent reinstatement of the same may be carried out by such local authorities who shall be entitled to recover the expenses incurred in respect thereof from the Company as a civil debt:

Provided also that the provisions of section 14 of the Electric Lighting Act 1882 shall apply to the exercise by the Company of the powers conferred upon them by this Act.

As to route.

13.—(1) Any electric line laid down in any street by the Company under this Act within the district defined in this Act shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the local authority or as failing agreement shall be settled by the Board of Trade:

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Provided that where the local authority of any borough or urban district object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of such borough or district and indicate an alternative route or deviation which in the opinion of the Board of Trade is both reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

(2) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

(3) The provisions of this section shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation as though it were the route originally proposed by the Company.

(4) For the purpose of the application of the provisions of this section within the administrative county of London the expression "local authority" shall mean the council of the metropolitan borough and shall also extend and apply to the London County Council.

For protection of certain councils.

14. For the protection and benefit of the district councils respectively of the urban districts of Brentford Chiswick Feltham Heston and Isleworth Staines Teddington and Twickenham and the rural district of Staines the following provisions shall notwithstanding anything in this Act or in the general Acts contained unless otherwise agreed between the council and the Company have effect (that is to say):—

(1) In this section the expression "the council" means with respect to each such district the urban or rural district council (as the case may be) of that district:

(2) In the event of the council widening improving or altering any roads streets or highways within the district under their jurisdiction after the Company's electric lines shall have been laid in or along the same the Company if so required by the council by notice in writing served upon them previously to the commencement of such widening improvement or

alteration shall within one month after the receipt of such notice take all necessary steps under and subject to the provisions of sections 14 and 16 of the schedule to the Electric Lighting (Clauses) Act 1899 for altering or removing such electric lines to suit the new or altered conditions:

(3) The reasonable expense of the council incurred in altering the position of any electric lines or works of the Company under the powers of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be paid to the council by the Company:

(4) The Company shall bear and pay to the council the reasonable costs in connection with the alteration reparation or renewal of any tramways sewers bridges mains cables wires pipes or other property of the council which the council may properly incur or be put to in consequence or by reason of the construction or maintenance of the Company's works:

(5) If any difference arise between the Company and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

The provisions of this section shall extend and apply mutatis mutandis for the protection and benefit of the councils of the metropolitan boroughs of Fulham and Hampstead.

Appointment of electric inspectors.

15.—(1) The Board of Trade may on the application of the Company or of any authorised distributor to whom the Company is supplying energy under this Act outside the county of London appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act and the Board of Trade may prescribe the fees to be taken by any such inspector and these fees shall be accounted for and applied as may be directed by the Board of Trade.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the Company fail to comply with the provisions of this subsection any such local authority may apply

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to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

Additional powers as to certain metropolitan boroughs.

16. It shall be lawful for the Company subject to the provisions of this Act to sell and transmit electrical energy to authorised distributors who are authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a general supply of energy within the following areas in the county of London or any part thereof :—

The metropolitan borough of Saint Marylebone ;

The metropolitan borough of Hampstead ;

The metropolitan borough of Fulham.

Subject to the provisions of this Act the Company may for that purpose make use of any cables and wires already laid by them or which they are authorised to lay and of any of their lands stations and works and exercise all or any of their statutory powers for breaking up streets and laying cables and mains and all the powers hereinbefore conferred by this Act for the supply of energy to authorised distributors in the county of Middlesex shall apply and have effect for the purposes of enabling the Company to supply energy to authorised distributors within the said metropolitan boroughs.

The Company may subject to the provisions of this Act within so much of the borough of Kensington as is north of the portion of the Hammersmith and City Railway situated between Latimer Road Station and Portobello Road and north of Lancaster Road including so much of Portobello Road as is necessary to give access from the said portion of the borough to Tavistock Road exercise the powers conferred upon the Company by this Act to open and break up streets so far as is necessary for laying down maintaining renewing and using the necessary main or mains for connecting the Company's generating station at Willesden with the metropolitan borough of Paddington Provided that the route of any such main or mains which may pass through the area of supply of the Notting Hill Electric Lighting Company Limited shall be subject to the reasonable approval of that company.

The Company may also subject as aforesaid within the metropolitan borough of Hammersmith exercise the powers

conferred upon the Company by this Act to open and break up streets so far as is necessary for laying down maintaining renewing and using the necessary main or mains for connecting the Company's generating station at Willesden with the metropolitan borough of Fulham.

Provided always that nothing in this Act shall authorise the Company to supply electrical energy within the boroughs of Kensington and Hammersmith.

Extending Company's powers of supply to portion of Chelsea now included in metropolitan borough of Paddington.

17. The area formerly part of the parish of Chelsea and included within the metropolitan borough of Paddington as constituted in pursuance of the London Government Act 1899 shall be deemed to form part of the area of supply of the Company under the Metropolitan Electric Supply Company (Paddington) Lighting Order 1890 (confirmed by the Electric Lighting Orders Confirmation (No. 12) Act 1890) and the provisions of the said Order and of the Act of 1901 for the protection of the metropolitan borough of Paddington shall extend and be deemed to apply to any works executed or energy supplied by the Company within the said area.

Powers of London County Council as to inspection and testing.

18.—(1) So far as relates to the exercise within the administrative county of London of the powers conferred by this Act the following provisions shall have effect:—

The London County Council may appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act:

If no electric inspector is appointed by the said council the Board of Trade on the application of any authorised distributor or of the Company may appoint and keep appointed one or more competent and impartial person or persons to be an electric inspector or electric inspectors under this Act:

The duties of an electric inspector appointed under this subsection shall be as follows:—

(*a*) The inspection and testing periodically and in special cases of the Company's electric lines used or required for the supply of energy given by them under the powers of this Act in the administrative county of London;

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(*b*) The certifying and examination of meters on the request in writing of the Company or any authorised distributor supplied by them; and

(*c*) Such other duties in relation to the Company in the exercise of the powers of this Act in the county of London as may be required of him under any regulations made by the Board of Trade under their statutory powers.

(2) The London County Council with the consent and approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector appointed under this section and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the said council or the Board of Trade as the case may be.

(3) The London County Council may pay to any electric inspector appointed by them under this Act such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Act or any regulations made by the Board of Trade as aforesaid according as the said council shall determine.

Company to establish testing stations.

19. The Company shall at such places within a reasonable distance from any trunk main or electric line laid down maintained and used under the powers of this Act establish at their own cost and keep in proper condition such reasonable number of testing stations as the London County Council shall deem proper and sufficient for testing the supply of energy in the administrative county of London by the Company through such trunk main or electric line and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations in such proper and sufficient manner with such electric line and supply energy thereto for the purpose of such testing.

If any dispute arises between the said council and the Company as to whether the number of such testing stations and the distance from the electric line at which they are established is reasonable or excessive or as to any excessive or improper use of energy for such testing or as to the performance by the

Company of their duties under this section such dispute shall be determined by arbitration.

Provided that nothing in this section contained shall authorise the said Council to require the provision of testing places for trunk mains otherwise than at any stations or sub-stations connected with any such trunk mains.

Provision as to subways.

20.—(1) Where the Company desire to lay or may be required to lay under the powers of this Act any trunk main or other electric line in any street in the administrative county of London under the surface of which there is a subway vested in the London County Council and the said council serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any Act of Parliament contained the powers conferred by this Act with respect to the breaking up of and interfering with streets in the county shall not be exercised by the Company as to such streets in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner as the said council shall direct or approve.

(2) Where any trunk main or other electric line of the Company shall be so laid under the provisions of this section they shall pay to the London County Council such a reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration.

(3) The Company shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

For protection of London County Council.

21.—(1) Nothing in this Act shall authorise the Company to break up or otherwise interfere with any park open space or embankment for the time being vested in the London County Council (except so far as any part of such park open space or embankment forms part of a street) or to interfere with or make use of break up or alter the position of or interfere with any sewer or subway so vested except with the consent in writing of the said council and subject to such terms and conditions as they may impose.

(2) The said council in respect of any sewer drain watercourse defence or work under their control or jurisdiction shall be entitled to the same protection and have the same rights powers and privileges as a local authority under section 18 of

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the schedule annexed to the Electric Lighting (Clauses) Act 1899 provided that the said council shall be entitled to fourteen days' notice instead of three days' notice as therein provided.

(3) All additional capital expenditure at any time hereafter reasonably incurred by the said council in repairing renewing altering or enlarging their existing mains pipes sewers tramways and other works or in reconstructing their existing tramways for the purpose of the adoption of electrical traction in consequence of the construction or laying down or by reason of the existence of any works under the powers of this Act in any street or on any bridge in the administrative county of London and which but for the passing of this Act and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company.

If any difference shall arise under this subsection between the Company and the said council the matter in dispute shall be settled by an arbitrator to be mutually appointed or failing such appointment by an engineer or other person to be appointed by the Board of Trade on the application of either party and the expenses of the arbitration or reference shall be borne and paid as the arbitrator may direct.

For protection of metropolitan borough councils of Fulham and Hampstead.

22. For the protection of the councils of the metropolitan boroughs of Fulham and Hampstead the following provisions shall have effect :—

(1) The works authorised by this Act within the said boroughs shall be carried out in such manner as to cause as little interruption as possible to the traffic :

(2) The Company shall not deposit any soil or materials in any street except with the previous consent of the borough engineer which shall not be unreasonably withheld Any soil or materials carted along the streets shall be carried along such streets only as the borough engineer may reasonably direct No soil excavated from the works shall be carried through any street in the borough except in carts or waggons so constructed and managed as to prevent any soil dropping therefrom If any soil as aforesaid be dropped on any street in the borough the council shall be at liberty to remove the same and all expenses reasonably incurred by the council shall be paid by the Company to the council :

(3) Any difference arising between the council and the Company under this section shall be determined by arbitration under the Arbitration Act 1889.

For protection of certain underground railway companies.

23. For the protection of the Baker Street and Waterloo the Charing Cross Euston and Hampstead and the Great Northern Piccadilly and Brompton Railway Companies (hereinafter referred to as "the protected companies") and in addition and without prejudice to any other provisions for their protection contained in this Act the Company shall not (except with the consent in writing of the protected companies or such of them as may be affected) in any manner interfere with the railways tunnels stations approaches subways passages and other works which the protected companies are now authorised to construct or which they may be authorised to construct by any Act passed in the present session of Parliament.

For protection of Central London Railway Company.

24. Notwithstanding anything in this Act otherwise contained the Company shall not in any manner interfere with the railways tunnels stations subways passages and other works belonging to the Central London Railway Company or used by them in connection with their railway and the approaches thereto without the consent in writing of that company first obtained.

For protection of railway companies.

25. Any additional expense which any railway company may reasonably and properly incur in widening altering reconstructing repairing or maintaining their railways bridges tunnels subways or works or in adapting their railways for working by electrical power by reason of the existence of any electric cables mains pipes or other works of the Company laid or executed under the powers of this Act upon across over or under the same shall be paid by the Company.

For protection of London United Tramways (1901) Limited.

26. The following provisions for the protection of the London United Tramways (1901) Limited (in this section called "the tramways company") shall unless otherwise agreed between the tramways company and the Company apply and have effect (that is to say):—

(1) For the purposes of this Act the expression "electric supply company" in section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall include the tramways company and the expression "operators" shall be deemed to include electric supply company:

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(2) The Company shall not without the consent of the tramways company in writing place any electric line or work above the surface of the ground along or across any street or place in which any tramway post cable tube wire bracket apparatus or work of the tramways company is laid or situate Provided that such consent shall not be unreasonably withheld and that if any question arises whether the consent is unreasonably withheld such question shall be referred to and decided by the Board of Trade:

(3) The reasonable expenses of the tramways company incurred in altering the position of any electric lines or works of the Company under the powers of section 17 of the schedule to the last-mentioned Act and any additional expense which the tramways company may reasonably and properly incur in altering or renewing their tramways posts cables tubes wires brackets apparatus or works by reason of the existence of any electric lines of the Company along across or under any street road or place in which any tramway post cable tube bracket apparatus or work of the tramways company is laid or situate shall be paid to the tramways company by the Company:

(4) Where under this Act or any Act or provision incorporated therewith it is provided that any work shall be carried out to the satisfaction or under the superintendence or in conformity with the requirements of the tramways company or of any person on their behalf or in accordance with a plan to be submitted to or approved by them the tramways company themselves may at the reasonable cost in all things of the Company execute such work.

Power to supply electricity to certain companies bodies and persons.

27. Notwithstanding anything in this Act or in any Order or Act relating to the Company the Company may at any point or points within any area of supply for the time being of the Company and the district defined in this Act supply electrical energy for the purposes of haulage or traction and for lighting vehicles or boats drawn by such haulage or traction to any company body or person owning or working any railway tramway tramroad canal or navigation situate within or partly within such

area or district and notwithstanding that such energy is to be used for such purposes in part outside such area or district: A.D. 1905.

Provided that the company body or person receiving such supply shall not use the electrical energy so supplied for other than the aforesaid purposes:

Provided also that such company body or person shall not use the said energy in such manner as to cause or be likely to cause any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General but this proviso shall not apply to any such company body or person who are or is authorised to use electrical energy for such haulage or traction or lighting by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphs:

Provided further that nothing in this section shall authorise the Company to supply electrical energy for the purpose of working any railway unless the company body or person owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament to work such railway by electrical power:

Provided that if by virtue of anything in this section the Company shall exercise any right in respect of the borough of Saint Marylebone for which the Company shall have received compensation upon the purchase of the Saint Marylebone undertaking and business of the Company under the Electric Lighting Order Confirmation (No. 1) Act 1901 the Company shall repay to the council of the said borough such a sum as may be determined failing agreement by arbitration to represent the value of such right:

Provided also that any claim by the council hereunder for repayment shall not be made except within one year after the date on which the Company shall exercise such right.

For protection of council of metropolitan borough of Saint Marylebone.

28.—(1) Nothing in this Act shall prejudice or affect any agreement referred to in section 34 of the Saint Marylebone Electric Lighting Act 1904 and the Company and the council of the borough of Saint Marylebone may enter into and carry into effect further agreements with respect to the supply of energy by the Company to the said council.

A.D. 1905.

(2) Nothing in this Act shall authorise the Company to give a supply of electrical energy at any point within the metropolitan borough of Saint Marylebone except to the council thereof.

For protection of Willesden Urban District Council.

29. For the protection of the Willesden Urban District Council (in this section called "the Willesden Council") and notwithstanding anything in this Act contained the following provisions shall apply and have effect unless otherwise agreed on in writing between the Willesden Council and the Company (that is to say):—

(1) Nothing in this Act shall authorise the Company to open break up or interfere with or lay down maintain renew or use any mains conduits cables lines wires tubes boxes or apparatus in any street or road in the urban district of Willesden other than the streets or roads specified in section 3 of the Act of 1901 or otherwise than subject to the provisions of that Act and of the Act of 1898 and section 15 (For protection of Willesden Urban District Council) of the Act of 1898 shall apply and have effect as regards the said streets and roads in the urban district of Willesden as if the said streets and roads were referred to in the said section 15 of the Act of 1898:

(2) Nothing in this Act shall authorise the Company to supply electricity or electrical power or energy to any company body or person in the urban district of Willesden or to any company body or person for use within the urban district of Willesden or any part of such district.

For protection of Commissioners of Works.

30. Nothing in this Act shall authorise the Company to open or break up or in any way to interfere with any street or bridge or any water or gas main or pipe drain or culvert which is vested in or is under the control or management of the Commissioners of Works or which is maintained paved repaired lighted or watered by them or to interfere with any rights privileges or powers of whatsoever nature vested in or exercisable by those Commissioners without their consent in writing and subject to such terms and conditions as those Commissioners may think fit.

As to generating stations on certain sites not

31. The Company shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of energy from any generating station situate within the

London postal district or within a distance of nine hundred yards from any part of the following places (viz.) :—

specified in an Act or Order.

Hampton Court Palace and grounds Hampton Court Park Bushey Park Kew Gardens and Kew Palace grounds Richmond Park and Old Deer Park ;

unless the site for such generating station is specified in an Act of Parliament or in an Order confirmed by or having the effect of an Act of Parliament Provided always that this section shall not apply to any substation for the transformation and distribution of electrical power :

Provided also that this section shall not apply to any station which may be in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station at the time of the passing of this Act.

Maximum prices.

32. The prices to be charged by the Company for energy supplied by them to authorised distributors under the powers of this Act shall not exceed those stated in that behalf in the schedule to this Act.

Revision of prices.

33.—(1) The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the Company or of any three authorised distributors supplied by the Company under this Act may revise the maximum prices contained in the schedule to this Act.

(2) The Board of Trade may if they think fit on the like application make a similar revision at the expiration of a period of ten years from the date at which the last such revision has taken place.

Audit.

34.—(1) The accounts kept by the Company for the purposes of this Act shall be examined and audited by such competent and impartial person as the Board of Trade appoint and the remuneration of the auditor shall be such as the Board of Trade direct and that remuneration and all expenses incurred by him in or about the execution of his duties to such an amount as the Board of Trade approve shall be paid by the Company on demand and shall be recoverable summarily as a civil debt.

(2) The Company shall give to the auditor his clerks and assistants access to such of the books and documents relating to

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the undertaking as are necessary for the purposes of the audit and shall when required furnish to him and them all vouchers and information requisite for that purpose and shall afford to him and them all facilities for the proper execution of his and their duty.

(3) The Board of Trade may make and vary regulations prescribing the times at and the mode in which the audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

As to maps.

35. Where the Company under the powers of this Act lay down any trunk main or other electric line within the area of supply of any other authorised distributor the Company shall furnish to the Board of Trade and the Postmaster-General and to such authorised distributor and also (where the area of supply is in the administrative county of London) to the London County Council a map and section on the same scale or scales as the map which is required to be deposited by such authorised distributor in respect of such area showing the situation and level of every such main or line and other underground works and street boxes laid down or placed by them therewith.

If the Company fail to comply with any of the requirements of this section they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Copy of Act to be registered.

36. 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 Act 1862 on registration of any document other than a memorandum of association.

Provision as to general Acts.

37. Nothing in this Act shall be deemed to exempt the Company or their undertaking from the provisions of or deprive the Company of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Act.

Costs of Act.

38. 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.

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The SCHEDULE referred to in the foregoing Act.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Company charges any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :—

(*a*) For any quantity in any quarter not exceeding the equivalent of two hundred hours of supply at the maximum power which has been demanded by him at the rate of fourpence per unit;

(*b*) For any further quantity in such quarter exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of one penny per unit:

Provided that if the actual amount of energy supplied during the first or any subsequent consecutive period of twelve months is less than the equivalent of seven hundred and thirty hours of supply at the said maximum power the Company shall not be bound to supply at the rates aforesaid but the rate shall be such as may be agreed upon between the consumer and the Company.

SECTION 2.

Where the Company charges any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under any regulations made under this Act.

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