CHAPTER lxxviii.

An Act to confer further powers upon the North Metropolitan Electric Power Supply Company and the North Metropolitan Electrical Power Distribution Company Limited and for other purposes. [31st July 1914.] A.D. 1914.

WHEREAS by the North Metropolitan Electric Power Supply Act 1900 the North Metropolitan Electric Power Supply Company (in this Act called "the Power Company") were incorporated and authorised to supply electrical energy in bulk within certain limits therein defined comprising portions of the counties of Middlesex Hertford and Essex:

And whereas by the North Metropolitan Electric Power Supply Act 1902 the North Metropolitan Electric Power Supply Act 1903 the North Metropolitan Electric Power Supply Act 1905 the North Metropolitan Electric Power Supply Act 1907 and the North Metropolitan Electric Power Supply Act 1909 the powers of the Power Company for supplying electrical energy have been enlarged:

And whereas it is expedient that the further powers as in this Act contained should be conferred on the Power Company as by this Act provided:

And whereas the authorised capital of the Power Company under the Act of 1900 and the Act of 1909 is seven hundred and fifty thousand pounds of which capital two hundred thousand pounds six per centum cumulative preference stock and thirty thousand and two ordinary shares of ten pounds each have been created and issued and are fully paid up and ten thousand ordinary shares of ten pounds each have been created and issued and are paid up as to five pounds per share and it is expedient

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to authorise the Power Company to raise additional capital as by this Act provided:

And whereas the North Metropolitan Electrical Power Distribution Company Limited (hereinafter called "the Distribution Company") is a company registered under the Companies Acts 1862 to 1900 and are empowered by various Provisional Orders confirmed by Parliament to supply and are supplying electrical energy in various areas of supply within the counties of Middlesex and Hertford within the area of supply of the Power Company and are empowered to take and are taking a supply of electrical energy in bulk from the Power Company for such purpose and such Companies are closely associated with each other in reference to the supply of electrical energy and the powers of the Two Companies in many areas of supply overlap one another and it is expedient that the further powers as in this Act contained should be conferred on the Power Company and the Distribution Company:

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 for all purposes as the North Metropolitan Electric Power Supply Act 1914.

PART I.

PRELIMINARY.

Incorporation of Acts.

2. The following parts of Acts (viz.):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

Parts I. II. and III. (relating respectively to cancellation and surrender of shares additional capital and debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts;

are so far as applicable and except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act—

The words and expressions to which meanings are assigned by the Act of 1900 the Electric Lighting Act 1882 or the schedule to the Electric Lighting (Clauses) Act 1899 have the same respective [meanings unless there be something in the subject or context repugnant to such construction:

"The Power Company" means the North Metropolitan Electric Power Supply Company;

"The Distribution Company" means the North Metropolitan Electrical Power Distribution Company Limited;

"The Two Companies" mean the Power Company and the Distribution Company respectively and each or either of such Companies and where by this Act powers are conferred on the Two Companies such powers shall be construed as referring in the case of the Power Company to powers in connection with the undertakings and

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existing powers of the Power Company and in the case of the Distribution Company to powers in connection with the undertakings and existing powers of the Distribution Company;

"The Act of 1900" means the North Metropolitan Electric Power Supply Act 1900;

"The Act of 1903" means the North Metropolitan Electric Power Supply Act 1903;

"The Act of 1905" means the North Metropolitan Electric Power Supply Act 1905;

"The Act of 1907" means the North Metropolitan Electric Power Supply Act 1907;

"The Act of 1909" means the North Metropolitan Electric Power Supply Act 1909; and

"The existing Acts" means the North Metropolitan Electric Power Supply Acts 1900 to 1909.

Part II.

Powers to the North Metropolitan Electric Power Supply Company.

Power to use lands at St. Albans for generating station.

4. The Power Company may hold and use the whole or any part of the lands hereinafter described as and for a station for generating electrical energy and may maintain and use such station with all proper and necessary engines engine houses dynamos batteries accumulators machinery plant apparatus buildings and works and may by means thereof produce transform transmit use and supply such energy for the purpose and subject to the provisions of the existing Acts and this Act and the construction on such lands of the generating station buildings and plant already constructed thereon and the expenditure of money thereon by the Power Company is hereby sanctioned and confirmed.

The lands hereinbefore referred to are—

A piece of land containing 44,000 square feet or thereabouts belonging or reputed to belong to the Power Company and on a portion of which the existing generating station of the Power Company is situate and which land is situate on part of a field or close known as

"The Campfields" and bounded on the north or north-west by an occupation road leading out of Campfields Road and on the east or north-east by the factory at present occupied by the Engineering and Arc Lamps Limited on the south or south-east and west or south-west by land belonging or reputed to belong to the Salvation Army and the Salvation Army Assurance Society Limited.

Power to Power Company to take and Metropolitan Railway Company and London and North Western Railway Company to give supply in bulk.

5. Notwithstanding anything contained in any Act or Order to the contrary the Power Company on the one hand and the Metropolitan Railway Company and the London and North Western Railway Company or either of such companies on the other hand may enter into and carry into effect agreements for the supply of electrical energy in bulk to the Power Company by the Metropolitan Railway Company or the London and North Western Railway Company or either of such last-mentioned companies for the purposes for which the Power Company are authorised to supply distribute or use electrical energy and for the purpose of carrying into effect any agreement made under the provisions of this section for the supply of electrical energy in bulk by the Metropolitan Railway Company or the London and North Western Railway Company to the Power Company the Power Company may exercise within the parish and urban district of Wembley all the powers now vested in them of laying down electric lines and mains and other works in and breaking up of streets and roads within such parish and urban district and section 5 of the Act of 1903 shall be read and have effect as if such purposes as aforesaid were included in the purposes mentioned in such section for which the Power Company may exercise the powers conferred on them by such section but subject to the same restrictions and conditions as are referred to in such section:

Provided that the Power Company shall not be entitled to take or the aforesaid railway companies to give a supply of energy under the powers of this section from any generating station situate within the administrative county of London:

Provided further that the Power Company shall not supply any electrical energy supplied to them outside the administrative county of London by the Metropolitan Railway Company or the London and North Western Railway Company within any part of the administrative county of London except within the metropolitan

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borough of Stoke Newington and except to those portions of any tramways now supplied with electrical energy by the Power Company:

Provided further that all provisions for the protection of the telegraphic lines (as defined by the Telegraph Act 1878) of the Postmaster-General in respect of the use of electrical energy contained in the Acts or Orders of any company supplying electrical energy to the Power Company under any agreement made in pursuance of this section shall extend and apply to such supply and any works executed for the purposes of such supply.

The Power Company shall within one month after entering into any agreement under this section supply a copy thereof to the London County Council.

Power to promote Electric Lighting Provisional Orders.

6. The Power Company may apply for Provisional Orders under the Electric Lighting Acts 1882 to 1909 but nothing in this Act shall prevent the application to the Power Company as Undertakers under and for the purposes of any such Provisional Order and to the undertaking authorised thereby of the provisions of the Electric Lighting Acts 1882 to 1909 The provisions of this section shall not apply within the administrative county of London.

Amendment of section 26 of Act of 1907.

7. Section 26 of the Act of 1907 shall be read and have effect as if in lieu of the words "one hundred thousand pounds" at the end of such section the words "two hundred and fifty thousand pounds" had been inserted therein.

Amendment of section 18 of Act of 1905.

8. Subsection (1) of section 18 of the Act of 1905 as amended by section 22 of the Act of 1907 shall be read and have effect as if the words "first day of September one thousand nine hundred and fourteen" had been inserted therein in place of the words "first day of September one thousand nine hundred and seven" but the provisions of this section shall not extend to any undertaking within the administrative county of London.

Power to acquire generating stations &c.

9. The Power Company may by agreement purchase take on lease or otherwise acquire work use maintain alter and improve any generating station or sub-station and the works connected therewith or incidental thereto belonging to any local authority company or person authorised by Provisional Order or Act of Parliament to supply electrical energy in any area of supply

which may be situate within or partly within and partly without or adjoining the area of supply of the Power Company or in any area adjoining the area of supply of the Power Company in which the Power Company are for the time being giving or under contract to give a supply of energy in bulk and any such local authority company or person may transfer any such generating station sub-station and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Power Company upon such terms as may be agreed and in the event of the Power Company so acquiring any such generating station sub-station or works powers rights authorities and privileges they may for the purpose of carrying on maintaining and working any such generating station sub-station or works so transferred to them and of connecting the same with the area of supply of the Power Company exercise all the powers rights authorities and privileges so transferred to them and any generating station sub-station or works transferred to the Power Company under the powers of this section or any works executed by them under any powers so transferred to them shall be deemed to form part of the undertaking of the Power Company:

Provided nevertheless that nothing in this section shall exonerate the Power Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by the Power Company on any land on which any such generating station or sub-station is situated and for which nuisance any such local authority company or person as aforesaid would have been liable if caused by them.

Nothing in this section shall authorise the Power Company to acquire any generating station sub-station or works of any company or local authority authorised to supply electrical energy within the administrative county of London and nothing in this section shall authorise the Power Company to acquire any powers rights and privileges of any undertakers with respect to the supply of energy or without the consent of the Metropolitan Electric Supply Company Limited to acquire any part of any undertaking situate within the district defined in section 5 of the Metropolitan Electric Supply Company (Various Powers) Act 1905 as extended by section 3 of the Metropolitan Electric Supply Company Act 1906.

As to contracts.

10. Notwithstanding anything in any Act relating to the Power Company any contract required to be in writing and not

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under seal may be signed on behalf of the Power Company by the secretary or other person appointed by the directors of the Power Company.

For protection of Hertfordshire County Council and local authorities of county of Hertford.

11. For the protection of the Hertfordshire County Council and of the local authorities of the county of Hertford the following provisions shall unless otherwise agreed in writing have effect (viz.):—

(1) Nothing in the section of this Act the marginal note whereof is "Power to acquire generating stations &c." shall authorise the Power Company to acquire any generating station sub-station or works in the administrative county of Hertford without the consent in writing of the local authority:

(2) The provisions of section 44 of the Act of 1900 as amended and extended by section 12 of the Act of 1907 and of section 14 (1) (A) of the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the exercise of any powers rights or privileges conferred on or transferred to the Power Company by or under the authority of this Act affecting any roads county bridges and approaches and other property of the county council of Hertford or repairable by or under the control of or belonging to the council of any borough or urban or rural district within the county of Hertford.

For protection of county of Middlesex.

12. The provisions of section 42 of the Act of 1900 shall extend and apply to the execution of any works by or the exercise of any powers conferred on or transferred to the Power Company under the powers of this Act and affecting any road bridge or other property vested in the Middlesex County Council Provided that subsection (6) of the said section 42 shall be read as if section 14 subsection (1) (A) of the schedule to the Electric Lighting (Clauses) Act 1899 had been referred to therein instead of subsection (A) of section 15 of the said schedule.

PART III.

ADDITIONAL CAPITAL.

Power to raise additional capital.

13. The Power Company may raise additional capital not exceeding in the whole two hundred and fifty thousand pounds nominal capital by the issue at their option of new ordinary

shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and any such preference shares or preference stock forming part of the additional capital may be issued with any preferential dividend or interest not exceeding six pounds per centum per annum and with such rights to priority in the distribution of assets as the Power Company may think fit so that if the profits in any one year are not sufficient to pay such dividend or interest the deficiency may be made good out of the profits of any subsequent year or otherwise as the Power Company may think fit.

Nominal value and issuing of shares.

14. The Power Company may issue any preference share forming part of the additional capital of such nominal value not being less than one pound nor more than ten pounds as they may think fit but they shall not issue any ordinary share of less nominal value than ten pounds nor shall any share whether ordinary or preference vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New ordinary shares or stock to be subject to same incidents as other shares or stock.

15. The capital in new ordinary shares or new ordinary stock created by the Power Company under this Act and the new ordinary shares or new ordinary stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing ordinary capital of the Power Company and the new ordinary shares or new ordinary stock were shares or stock in that capital.

As to votes in respect of preference shares or stock.

16. The Power Company may attach to any shares or stock to which a preferential dividend or interest or a right to priority in the distribution of assets shall be assigned such conditions as to voting qualification or otherwise as they think fit to declare before issuing the same but except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any such shares or stock.

Power to borrow.

17. The Power Company may in respect of the additional capital of two hundred and fifty thousand pounds which they are by this Act authorised to raise borrow on debenture or mortgage of the undertaking any sum or sums not exceeding in

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the whole one third part of the amount of the additional capital at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until shares for so much of the additional capital in respect of which the borrowing powers are exercised as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Power Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares have been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share so issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the additional capital in respect of which the borrowing powers are exercised as is to be raised by means of stock is fully paid up and the Power Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Power Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

18. Section 22 of the Act of 1909 with reference to the appointment of a receiver is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings commenced prior to the passing of this Act under that section The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

19. The Power Company may create and issue debenture stock subject to the provisions of section 21 of the Act of 1900

Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock issued after the passing of this Act.

Notice shall also be endorsed on all mortgages debentures and certificates of debenture stock issued by the Power Company that the mortgage dated the twelfth day of February one thousand nine hundred and four and made between the Power Company of the first part the Metropolitan Electric Tramways Limited of the second part and the urban district council of Willesden of the third part is a first charge upon the land generating station buildings machinery plants and works belonging to the Power Company and situate at Taylor's Lane in the parish of Willesden.

Application of moneys.

20. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and the general purposes of the Power Company's undertaking being in all cases purposes to which capital is properly applicable.

Conversion of preference stock into preference shares.

21.—(1) The Power Company may with the consent of three fifths in value of the holders of any preference stock proposed to be converted under the powers of this section present in person or by proxy at a special meeting of such stockholders called for the purpose convert any preference stock issued or to be issued under the powers of the existing Acts or this Act into preference shares Any such shares into which any preference stock shall be so converted as aforesaid shall be of such nominal value not being less than one pound nor more than ten pounds as the Power Company may prescribe.

(2) Every holder of preference stock to be converted under the powers of this section shall deliver up the certificate of his stock to be cancelled unless it shall be proved to the satisfaction of the directors of the Power Company that such last-mentioned certificate has been lost or destroyed and thereupon the certificates for the said existing stock shall be deemed to be cancelled and the Power Company shall furnish to every such holder free of charge a certificate for the share or shares to which he is entitled in exchange for the certificate of the existing stock held by him.

(3) Any preference shares into which such preference stock has been converted shall confer on the holders thereof the same

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rights to participate in the profits and dividends of the Power Company and the same rights privileges and advantages as those which the preference stock in substitution for which such shares were issued would but for the conversion have conferred on the holders thereof.

(4) For the purpose of carrying into effect the provisions of this Act as to the conversion of stock the directors of the Power Company may close the registers of such stock at such time and may do all such necessary acts and things as shall be proper for carrying into effect the provisions of this Act.

(5) Trustees executors administrators and all other holders in any representative or fiduciary capacity of the preference stock of the Power Company converted under the powers of this section are hereby expressly authorised to accept and hold any shares issued in exchange therefor.

(6) Any preference shares into which any preference stock shall be converted under the powers of this section shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those on or to which such converted stock was held immediately before the conversion and so as to give effect to and not to revoke any deed will or other disposition disposing of or affecting such stock and every such deed will or other instrument or testamentary or other disposition shall take effect with reference to the whole or a proportionate part as the case may be of the substituted shares.

(7) In the event of any preference stock being converted into preference shares under the provisions of this section the Power Company may reconvert such preference shares into preference stock whether of one or different denominations in accordance with the provisions of the Companies Clauses Consolidation Act 1845 in respect of the consolidation of shares into stock and such provisions shall apply accordingly.

Power to apply funds.

22. The Power Company may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the authority of the existing Acts and which are not required for the purposes (if any) to which they are by those Acts made specially applicable.

Part IV.

Powers to North Metropolitan Electric Power Supply Company and North Metropolitan Electrical Power Distribution Company Limited.

Power to supply and let for hire fittings apparatus &c.

23.—(1) The Two Companies may provide sell let for hire or dispose of on terms of payment by instalments and fix repair maintain and remove electric lines fittings lamps and standards apparatus or appliances for lighting whether for public lighting or otherwise heating and motive power and for all other purposes for which electrical energy can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon Provided that nothing herein contained shall authorise the Two Companies to manufacture any such electric lines fittings apparatus or appliances.

(2) The Two Companies may provide and carry on shops or show rooms for the exhibition or sale of any fittings apparatus or appliances referred to in this section.

(3) Any electric lines fittings apparatus and appliances provided by or on behalf of the Two Companies on consumers' premises and any lands buildings or works held by them in connection therewith shall be deemed to form part of the undertaking of the Two Companies authorised by the Acts or Provisional Orders relating to the Two Companies.

(4) Sections 24 and 25 of the Electric Lighting Act 1882 and Section 16 of the Electric Lighting Act 1909 shall apply to all articles and things let for hire or supplied by the Two Companies or disposed of on terms of payment by instalments under the provisions of this section.

(5) In the event of any local authority purchasing any of the undertakings of the Distribution Company the provisions of this section shall only apply to such local authority subject to the following provisions (viz.) :—

(A) The local authority shall not themselves execute the wiring of private property except between the main of the local authority and the consumer's meter but

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they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the local authority in the execution of the contract The local authority shall not sell any such electrical fittings except through a contractor carrying on his business independently of the local authority:

Provided as follows:—

(B) The local authority shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums supplied to sinking fund for repayment of moneys so borrowed):

(C) The sums properly chargeable and received by the local authority in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the local authority for that year:

(D) Every sum charged by the local authority to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the local authority to the consumer.

Exemption of fittings &c. let on hire by contractors from distress.

24.—(1) In this section the word "consumer" means any company body or person having an agreement with the Two Companies for the supply of energy or to whom energy is supplied by the Two Companies and the word "contractor" means any company body or person who has by contract with the Two Companies let or agreed to let on hire or disposed of or agreed to dispose of on terms of payment by instalments any apparatus and appliances to a consumer.

(2) All apparatus and appliances let on hire or disposed of on terms of payment by instalments by a contractor to a consumer or which a contractor may have agreed to let on hire

or dispose of as aforesaid and being in or upon premises to which the Two Companies have agreed to give or are giving a supply of energy shall at all times subject to the terms of the contract between the contractor and the consumer continue to be the property of the contractor and be removable by the contractor or by the Two Companies at the request of the contractor and subject as aforesaid the power to enter premises for the removal of fittings conferred by section 24 of the Electric Lighting Act 1882 and the provisions of section 25 of that Act and of section 16 of the Electric Lighting Act 1909 shall extend and apply to all such apparatus and appliances so long as they remain the property of the contractor and to the contractor in reference thereto as if the contractor was included in the expression "the Undertakers" within the meaning of such sections or any of them Provided that the distinguishing metal plate or distinguishing brand or mark required by the said section 16 to be affixed to or impressed or made on such apparatus and appliances sufficiently indicates that the contractor is the actual owner thereof and that such apparatus and appliances are protected by virtue of this Act.

Entry upon premises Penalty for obstruction.

25. Any person who shall hinder an officer appointed by the Two Companies from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and such penalty shall be recoverable in manner provided by the Summary Jurisdiction Acts.

Where any premises which the Two Companies or their officer are entitled to enter in pursuance of section 24 of the Electric Lighting Act 1882 are unoccupied the Two Companies or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the undertakers and cannot be ascertained after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

Recovery of charges.

26. All charges rents and sums payable to the Two Companies and all penalties under any Acts or Order confirmed by Parliament relating to the Two Companies or any byelaws

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made thereunder respectively may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Costs of Act.

27. The costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Two Companies.

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