CHAPTER cxviii.

An Act to consolidate the North Metropolitan Electric Power Supply Acts 1900 to 1927. A.D. 1928.

[3rd August 1928.]

WHEREAS by the Acts mentioned in Part I of the First Schedule to this Act which Acts are known as the North Metropolitan Electric Power Supply Acts 1900 to 1927 and are hereinafter called "the former Acts" the North Metropolitan Electric Power Supply Company (hereinafter called "the Company") are authorised to supply electricity for the purposes to the extent and subject to the conditions and restrictions stated in the former Acts and to exercise other powers as mentioned in those Acts:

And whereas the limits of supply of the Company comprise the metropolitan borough boroughs urban districts and rural districts mentioned in Parts I II and III of the Second Schedule to this Act:

And whereas the capital of the Company authorised by the former Acts is £3,500,000 and the issued capital of the Company on the first day of June nineteen hundred and twenty-eight was £2,425,000 and consisted of £1,150,000 6 per centum cumulative preference shares of £1 each and £1,275,000 ordinary shares of £1 each all of which are fully paid up:

And whereas the loan capital of the Company raised under the powers of the former Acts consisted on the first day of June nineteen hundred and twenty-eight of mortgages or debentures of the amount of £211,700

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redeemable at the option of the Company on six months' notice and £335,229 5½ per centum debenture stock redeemable by annual sinking fund drawings or at the option of the Company on six months' notice at 102½ per centum:

And whereas the Company are the present authorised distributors for the Orders mentioned in Parts II and III of the First Schedule to this Act the Orders mentioned in Part II having been transferred to the Company at the dates stated in that Part by deeds of transfer approved by the Board of Trade or the Electricity Commissioners and the Orders mentioned in Part III of the said schedule having been vested in the Company by the North Metropolitan Electric Power Supply Act 1922:

And whereas it is expedient to consolidate the former Acts:

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 (that is to say):—

PART I.

GENERAL.

Short title.

1. This Act may be cited as the North Metropolitan Electric Power Supply (Consolidation) Act 1928.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—General.
Part II.—Financial provisions.
Part III.—Administrative provisions.
Part IV.—Lands generating stations and works.
Part V.—Powers and obligations of supply.
Part VI.—Prices methods of charge and metering.
Part VII.—Subsidiary powers.
Part VIII.—Miscellaneous provisions.
Part IX.—Protective provisions.

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Application of Electricity (Supply) Acts.

3.—(1) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 are incorporated with and form part of this Act subject as follows :—

(*a*) Sections 2 to 5 7 to 9 21 to 29 30 (so far as respects supply to authorised undertakers) 31 to 37 41 48 60 63 to 68 subsection (3) of section 69 sections 75 78 83 and 84 of the schedule shall not apply to the undertaking authorised by this Act or to the Company in relation thereto;

(*b*) Sections 40 42 43 and 44 of the schedule shall not apply to the portion of the undertaking authorised by this Act which is situate in London or to the Company in relation to that portion of the undertaking;

(*c*) Section 81 of the schedule shall not apply to any generating station or works erected on any of the lands (*a*) (*b*) (*c*) and (*e*) described in the Third Schedule to this Act;

(*d*) The provisions of the schedule which are hereby incorporated with this Act shall be incorporated subject to any modification of those provisions contained in this Act or in the Electricity (Supply) Acts 1882 to 1926.

(2) The Electric Lighting Act 1888 shall not apply to the undertaking authorised by this Act or to the Company in relation thereto.

(3) Subsections (2) and (3) of section 22 of the Electricity (Supply) Act 1922 and the schedule to that Act shall not apply to any undertaking authorised by any of the Distribution Orders or by any Order which may be acquired by the Company under the provisions of section 85 (Transfer of undertakings to Company) of this Act so long as the Company are the authorised distributors for the purposes of the Order.

Incorporation of Acts.

4. The Lands Clauses Acts (except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the taking and purchase of lands otherwise than by agreement) the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 (except sections 17 to 20 and Part IV) as amended by subsequent Acts are so far as applicable to the purposes of this Act and except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act.

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Interpretation.

5. In this Act words and expressions to which meanings are assigned by the Companies Clauses Consolidation Act 1845 the Electric Lighting Act 1882 or the schedule to the Electric Lighting (Clauses) Act 1899 have the same respective meanings except as otherwise stated in this section and except where there is something in the subject or context repugnant to such construction And the following expressions have the meanings herein mentioned unless the subject or context otherwise requires viz. :—

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

"The former Acts" means the Acts mentioned in Part I of the First Schedule to this Act and each of those Acts is referred to as the Act of the year in which it was passed;

"The Distribution Orders" means the Orders mentioned in Parts II and III of the First Schedule to this Act;

"The undertaking" means the undertaking of the Company for the time being authorised;

"Electricity Order" means any Provisional Order or Special Order made under the Electricity (Supply) Acts 1882 to 1926 or any of those Acts:

"The limits of supply" means the several boroughs and districts named in Parts I II and III of the Second Schedule to this Act;

"The special area" means the several districts named in Part II of the said Second Schedule;

"The general supply area" means the several boroughs and districts named in Part III of the said Second Schedule;

"Lighting authority" means any authority authorised by any general or special Act to undertake or contract for the lightings of streets bridges or public places within the limits of supply;

"Authorised distributors" means any local authority company body or person authorised by Act of Parliament or Electricity Order to supply electricity within the limits of supply;

"Authorised users" means any local authority company body or person authorised by Act of

Parliament or any Order confirmed by or having the effect of an Act of Parliament to use electricity for any prescribed purposes within the limits of supply;

"Authorised undertakers" means any lighting authority authorised distributors or authorised users;

"Prescribed purposes" means in the case of a lighting authority the lighting of streets bridges or public places in the case of authorised distributors the purposes of the Act or Electricity Order under which they are authorised and in the case of authorised users any purpose or purposes for which those users are by Act of Parliament or by Order confirmed by or having the effect of an Act of Parliament authorised to use electricity and any purposes of or directly connected with the undertaking authorised by such Act or Order;

"Power purposes" means all public and private purposes as defined by the Electric Lighting Act 1882 for which a supply of electricity is required other than the purpose of lighting only;

"Hertfordshire" "London" and "Middlesex" respectively mean the administrative counties of Hertford London and Middlesex;

"The Minister" means the Minister of Transport.

Repeal.

6. The former Acts are hereby repealed but notwithstanding the repeal thereof:—

(*a*) The Company shall continue incorporated by the name of the North Metropolitan Electric Power Supply Company and by that name shall continue and be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act;

(*b*) All the provisions of the Fifth Schedule to this Act shall have effect;

(*c*) The Distribution Orders and the powers and provisions thereof shall continue in full force and effect and the Company and any local authority or other person shall have all and

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the same rights powers and privileges and be subject to all and the same obligations and liabilities under or with respect to the Distribution Orders as they respectively had and were subject to immediately before the passing of this Act; and

(*d*) The Barking and Brimsdown Generating Stations (Bulk Supply of Electricity) Special Order 1927 and the provisions thereof and the powers of the County of London Electric Supply Company Limited and the Company thereunder shall continue in full force and effect.

General purposes of Company.

7. The Company shall continue to be constituted for the purpose of establishing stations for generating electrical power and supplying electricity in accordance with the provisions of and subject to the restrictions in this Act and generally for the purpose of carrying out the powers and purposes mentioned in this Act and the Company may for those purposes (subject to the provisions of this Act) acquire such lands by agreement construct or acquire such works acquire such licences for the use of any patented or protected processes inventions machinery apparatus methods materials or other things enter into such contracts and generally do all such acts and things as may be necessary and incidental to such supply of electricity.

PART II.

FINANCIAL PROVISIONS.

Share capital

8.—(1) Notwithstanding the repeal of the former Acts the authorised share capital of the Company shall continue to be three million five hundred thousand pounds and the Company shall continue to be authorised to raise further capital (in this Act referred to as "the additional capital") of such nominal amount as will together with the nominal amount of the ordinary shares and preference shares of the Company issued before and existing at the passing of this Act not exceed the aggregate nominal amount of three million five hundred thousand pounds.

(2) The additional capital may be created and issued at the option of the Company as shares or stock of any

existing class or classes or of any other class or classes or wholly or partially by any one or more of those modes respectively.

Loan capital.

9.—(1) Notwithstanding the repeal of the former Acts the Company may in respect of the ordinary shares and preference shares issued before and existing at the passing of this Act borrow on debenture or mortgage of the undertaking any sum or sums not exceeding in the whole (inclusive of the nominal amount of the mortgages and debenture stock granted or issued by the Company before the passing of this Act and for the time being outstanding) one-half of the total nominal amount of the said shares.

(2) The Company may in respect of the additional capital borrow on debenture or mortgage of the undertaking any sum or sums not exceeding in the whole one-half 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 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 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 bonâ 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 Upon production to the justice of the books of the Company and of such other evidence as he shall think sufficient he

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shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Nominal value and issue of shares.

10.—(1) The Company may issue any ordinary shares 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.

(2) The Company shall not issue any share forming part of the additional capital nor shall any such share vest in the person accepting it unless and until a sum of not less than one-fifth of the amount of the share shall have been paid in respect thereof.

Incidents of new shares and stock.

11.—(1) The capital in new shares or stock forming part of the additional capital and such new shares or stock and the holders thereof respectively shall if the shares or stock be of the same class or description as any shares or stock in the capital of the Company existing at the passing of this Act be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if the first mentioned capital were part of such existing capital of the same class or description and the new shares or stock were shares or stock in that existing capital.

(2) Any shares or stock forming part of the additional capital and not being of the same class or description as any shares or stock in the capital of the Company existing at the passing of this Act may be created and issued with such fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest of such rate or amount (limited or unlimited) and the holders thereof respectively shall be entitled and subject to such rights of voting (if any) and such other powers rights privileges and liabilities as the Company may determine Provided that any preference assigned to any shares or stock so issued shall not affect any guarantee or any preference or priority in the payment of dividend or interest on any of the preference shares existing at the passing of this Act.

As to first preference capital.

12. Any new preference shares or stock (other than second preference shares or stock) forming part of the additional capital shall be issued of the same nominal amount (if shares) and with the same rights to dividend as the preference shares existing at the passing of this

Act (including the right to have any deficiency in the dividend paid in any year made good out of the profits of any subsequent year) and the holders of any such new preference shares or stock shall be entitled to the same rights of voting in the same circumstances and to the same powers rights and privileges and be subject to the same liabilities in all respects as the holders of the existing preference shares Any such new preference shares and the existing preference shares shall in all respects form part of one and the same class of capital and are hereinafter referred to as "first preference shares."

As to second preference capital.

13.—(1) The Company may issue any second preference shares or second preference stock forming part of the additional capital of such nominal amount in the case of shares (not being less than one pound nor more than ten pounds) and with such rate of dividend (not exceeding eight per centum per annum) as they may think fit and the second preference shares and second preference stock shall be entitled to the priorities of dividend hereinafter mentioned and such other rights to priority in the distribution of assets or otherwise as the Company may think fit.

(2) The dividend on any such second preference shares or second preference stock shall in each year be paid out of the profits of that year in priority to the dividends on the ordinary shares and ordinary stock in the capital of the Company but subsequent to the dividends on the first preference shares and first preference stock and to any payments required to be made out of the profits of that year to make good any deficiency in the dividend on the first preference shares or first preference stock in any previous year The second preference shares and second preference stock may if the Company think fit be issued with the further right that if the profits in any one year are not sufficient (after paying the dividends and deficiencies of dividend (if any) to which the first preference shares and first preference stock are entitled) to pay the full dividend on the second preference shares and second preference stock the deficiency may be made good out of the profits of any subsequent year either in priority to the dividends on the ordinary shares and ordinary stock for such subsequent year or otherwise as the Company may determine.

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As to special classes of shares and securities.

14.—(1) The Company (subject to and without prejudice to the terms upon which any prior issue of shares shall have been made) may at any time after the passing of this Act by resolution passed by at least three-fourths of the votes of the shareholders present in person or by proxy and entitled to vote at a meeting of the Company held for the purpose of authorising the issue under the powers of this Act of any further shares in the capital of the Company determine that such shares shall upon the issue thereof form a special class or classes of shares instead of forming part of any then existing class or classes of shares or forming any new class of shares authorised by section 13 of the Companies Clauses Act 1863.

(2) The Company (subject to and without prejudice to the terms upon which any prior issue of shares shall have been made) may by any such resolution assign or allocate to any such special class or classes of shares so much of the profits of the Company as may be derived from any specified portion or portions of the undertaking in such manner and on such terms and conditions as may be prescribed by the resolution and either pari passu with or in priority to any other shares or any other class or classes of shares in the capital of the Company whether then exisiting or to be in future created and the Company may distinguish and apply the profits of the Company accordingly.

(3) The terms and conditions to which the shares in any special class are subject shall be clearly stated on the certificates of those shares.

(4) Nothing in this section shall affect the rights of any mortgagees of the Company or holders of debentures or debenture stock of the Company or any other creditors of the Company and nothing in this section shall authorise the payment of any dividend on the shares in any special class of ordinary shares to which the profits of any specified portion or portions of the undertaking are assigned or allocated in excess of the dividend which the Company are at the time authorised to pay in accordance with the provisions of section 89 (Sliding scale) of this Act.

(5) In this section the word "shares" includes stock and the word "shareholders" includes stockholders

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Power to subdivide shares.

15. The Company may with the consent of not less than three-fourths of the holders of shares or stock in the capital of the Company present in person or by proxy at an extraordinary meeting of the Company and entitled to vote at that meeting divide the whole or any part of the shares in the capital of the Company into shares of smaller nominal amount (not being less than one pound) Provided that in any such subdivision the proportion between the amount paid and the amount (if any) unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived.

Conversion of preference stock into preference shares.

16.—(1) The 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 to be issued under the powers of this Act or any subsequent Act relating to the Company 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 Company may prescribe.

(2) Every holder of preference stock to be converted under the powers of this section shall deliver up the certificate for his stock to be cancelled unless it shall be proved to the satisfaction of the directors that the certificate had been lost or destroyed and thereupon the certificate for the existing stock shall be deemed to be cancelled and the 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 rights to participate in the profits and dividends of the 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 section as to the conversion of preference stock the directors of the Company may close the

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registers of such stock at such time and may do all such necessary acts and things as shall be proper for that purpose.

(5) Trustees executors administrators and all other holders in any representative or fiduciary capacity of the preference stock of the 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 on the same rights and 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 disposition shall take effect with reference to the whole or a proportionate part as the case may be of the substituted shares.

(7) If any preference stock is converted into preference shares under the provisions of this section the Company may reconvert those 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.

(8) The foregoing provisions of this section shall extend and apply to second preference stock as though those provisions were re-enacted in this Act with the substitution of the words "second preference stock" and "second preference shares" for "preference stock" and "preference shares" respectively.

Appointment of receiver.

17. 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.

Power to create debenture stock.

18. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages existing at the passing of this Act or at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal money secured by those mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Power to create second debenture stock.

19.—(1) Notwithstanding anything in this Act or any Act incorporated therewith any sum which the Company are by this Act authorised to raise by the creation and issue of debenture stock may if the Company think fit be raised by the creation and issue either at a discount or at par or at a premium of second debenture stock carrying interest at such rates as the Company shall think fit.

(2) All second debenture stock with the interest thereon shall be a charge upon the undertaking ranking prior to all ordinary and preference shares or stock of the Company and immediately subsequent to any debenture stock (not being second debenture stock) created and issued by the Company.

(3) The interest on second debenture stock shall have priority of payment over all dividends or interest on any shares or stock (other than debenture stock) of the Company whether ordinary or preference or otherwise and shall rank next to the interest payable on the debenture stock (not being second debenture stock) and mortgages existing at the passing of this Act or at any time created and issued or granted by the Company under this Act or any subsequent Act but the holders of second debenture stock shall not as among themselves be entitled to any preference or priority.

(4) Notice of the effect of subsections (2) and (3) of this section shall be endorsed on all certificates of second debenture stock.

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Redeemable preference capital and debenture stock.

20.—(1) With respect to any preference shares or stock or debenture stock of any class which the Company are for the time being authorised to create and issue the Company may create and issue such shares or stock as redeemable shares or stock on such terms and conditions as may be specified in a resolution of the Company passed at a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may—

(i) Call in and pay off such shares or stock or any part thereof at any time before the date fixed for redemption;

(ii) Redeem such shares or stock or any part thereof either by paying off such shares or stock or by issuing to any shareholder or stockholder subject to his consent other shares or stock in substitution therefor.

(3) For the purpose of providing money for paying off such shares or stock or providing substituted shares or stock the Company may create and issue new shares or stock (redeemable or irredeemable) or re-issue shares or stock originally created and issued as aforesaid so however that the creation and issue for that purpose of any particular class of shares or stock does not make the total nominal amount of such shares or stock exceed the amount of that class of shares or stock which the Company are for the time being authorised to create except during the necessary interval between the creation and issue of the new shares or stock and the redemption of the old shares or stock.

(4) The provisions of subsections (2) and (3) of this section shall also apply with respect to any redeemable preference shares or stock or debenture stock created or issued by the Company before the passing of this Act and remaining unredeemed at the passing of this Act.

(5) The Company shall not redeem out of revenue any redeemable shares or stock other than debenture stock so created and issued as aforesaid.

Company may incur temporary loans.

21.—(1) The Company may for the purposes of or in connection with the undertaking raise money by the issue of notes or bonds of a currency of not less than five

or more than ten years and borrow money on temporary loans from their bankers by means of overdrafts or otherwise and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising money conferred on the Company by this section shall be in addition to any powers for the time being conferred on them of borrowing on debenture or mortgage of the undertaking or raising money by the issue of debenture stock or second debenture stock Provided that the aggregate amount outstanding at any one time of the money raised under this section shall not exceed five hundred thousand pounds.

Power to pay commissions.

22.—(1) Notwithstanding anything in this Act or any Act incorporated therewith it shall be lawful for the Company on any offer to the public of shares or stock forming part of any capital which the Company are by this Act or may hereafter be authorised to raise to pay a commission not exceeding seven and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally or procuring or agreeing to procure subscriptions whether absolute or conditional for any such shares or stock if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are respectively disclosed in the prospectus advertisement or other document of the Company inviting subscriptions for those shares or stock.

(2) Nothing in this section shall affect any power of the Company to pay brokerage.

Redemption or purchase of loan capital.

23.—(1) The Company may if they think fit from time to time set aside out of revenue (after providing for the payment of interest or dividends on any mortgages debentures or debenture stock and preference capital of the Company and for other fixed charges and obligations) such sums as they may consider proper for the purpose of providing for the repayment or redemption of any mortgages debentures or redeemable debenture stock granted or issued by them which under the conditions of the grant or issue may or are to be repaid or redeemed wholly or partly in cash and the directors may invest any sums so set aside and the income therefrom in any securities in which trustees are for the time being by law authorised to invest trust funds or in any

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other securities in which the directors may be authorised to invest those sums by a resolution passed at a general meeting of the Company:

Provided that the aggregate amount of the sums set aside out of revenue under this subsection shall not in any one year exceed two and a half per centum of the total nominal amount of such mortgages debentures and redeemable debenture stock as aforesaid.

(2) Any sums so set aside as aforesaid and the investments representing those sums and any other money which has been or may be set aside by the Company to any contingency or reserve fund or otherwise under section 122 of the Companies Clauses Consolidation Act 1845 may if and whenever the directors think fit be applied in the repayment or redemption of any such mortgages debentures or redeemable debenture stock at maturity or otherwise in accordance with the terms of the grant or issue thereof or in the purchase in the market or by tender or in any other way of any such mortgages debentures or debenture stock at any price not exceeding the redemption price.

(3) The Company may at any time purchase by agreement any debentures or debenture stock of the Company and for that purpose may apply any money for the time being in their hands which they are entitled to apply to capital purposes.

(4) Any mortgages debentures or debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished and the amount of any mortgages debentures or debenture stock so cancelled shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to re-borrowing by the Company shall apply accordingly.

Power to pay interest out of capital.

24.—(1) Notwithstanding anything in this Act or any Act incorporated therewith the Company may out of any money which they have already raised or are by this Act authorised to raise pay interest at such rate not exceeding (except with the consent of the Electricity Commissioners) six per centum per annum as the directors may determine to the holder of any shares stock debenture stock debentures mortgages or other securities

issued or granted by the Company for the purpose of raising money for the acquisition of the lands (*e*) described in the Third Schedule to this Act and for the construction of a station or stations for generating electricity and the other works authorised by section 61 (Generating stations) of this Act on those lands on the amount from time to time paid up on such securities from the respective times of such payments until the expiration of five years from the date or respective dates of the payments or during such less period as the directors may determine but subject to the conditions hereinafter stated:—

(*a*) No such interest shall accrue in favour of the holder of any such security for any time during which any call on his securities is in arrear;

(*b*) The aggregate amount to be so paid for interest shall not exceed (except with the consent of the Electricity Commissioners) one hundred and twelve thousand five hundred pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-half of the amount paid for interest as aforesaid;

(*c*) Notice that the Company have power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company issued or published by or on behalf of the Company after the passing of this Act inviting subscriptions for any securities in respect of which the directors may have determined that such interest shall be paid and in every certificate of such securities;

(*d*) The yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

(2) Except as aforesaid no interest shall be paid out of any share or loan capital of the Company existing at the passing of this Act or which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company

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from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Application of capital money.

25. All capital money raised under this Act shall be applied only to the purposes of this Act and the general purposes of the undertaking to which capital is properly applicable and the Company may apply to all or any of those purposes any money raised by them under the authority of the former Acts and not applied before the passing of this Act to the purposes for which it was raised.

Receipt in case of persons not sui juris.

26. If any money is payable to the holder of any share stock mortgage debenture debenture stock note or security issued or granted by the Company who is a minor idiot or lunatic the receipt of the guardian or committee or receiver of his estate shall be a sufficient discharge to the Company.

Power to issue share warrants and debenture stock certificates to bearer.

27. The Company may with respect to the whole or any portion of fully paid up share capital or stock or debenture stock created or to be created by them and subject to such regulations as may from time to time be made by them issue under their common seal warrants and certificates (hereinafter respectively referred to as "a share warrant to bearer" and "a debenture stock certificate to bearer") stating that the bearer of the warrant or certificate is entitled to the shares or stock or debenture stock therein specified and may provide by coupons whether attached to the warrant or certificate or not for the payment of dividends or interest on the shares or stock or debenture stock included in the warrant or certificate:

Provided always that nothing in this Act shall empower the Company to issue to the holder of any shares or stock issued prior to the second day of August nineteen hundred and seven a share warrant to bearer for the shares or stock last aforesaid held by him without first obtaining his consent or to issue to a registered holder of debenture stock issued prior to that date a debenture stock certificate to bearer for debenture stock last aforesaid held by him without first obtaining his consent in writing.

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Effect of warrant and certificate.

28. A share warrant to bearer and a debenture stock certificate to bearer shall entitle the bearers thereof respectively to the shares or stock or debenture stock therein specified and such shares stock or debenture stock may be transferred by delivery of the warrant or certificate.

Provisions as to coupons.

29. A coupon provided in respect of any share warrant to bearer or debenture stock certificate to bearer shall except as otherwise expressly provided in or on the coupon be a negotiable instrument and entitle the bearer thereof to the payment of dividend or interest as therein mentioned at the date therein stated for such payment and the payment of such dividend or interest to the bearer shall be a full discharge to the Company from all liability in respect of the coupon and the dividend or interest represented thereby.

Entries in register on issue of warrant or certificate.

30. On the issue of a share warrant to bearer or a debenture stock certificate to bearer in respect of any portion of share capital stock or debenture stock the Company instead of making in the register of shareholders or stockholders or shareholders' address book or register of holders of consolidated stock or register of debenture stockholders with reference to such portion of share capital stock or debenture stock the entries provided for by sections 9 10 and 63 of the Companies Clauses Consolidation Act 1845 and section 28 of the Companies Clauses Act 1863 shall strike out of the registers or address book as the case may be the name of the person (if any) then entered therein as holding such shares stock or debenture stock as the case may be and shall enter in the registers the following particulars :—

(1) The fact of the issue of the share warrant to bearer or debenture stock certificate to bearer :

(2) A statement of the amount of the portion of share capital or stock or debenture stock included in the warrant or certificate :

(3) The date of the issue of the warrant or certificate.

The provisions of the Companies Clauses Consolidation Act 1845 as to the register of holders of shares and as to certificates of shares and transfer and transmission of shares and certificates and registration of debenture

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stock shall not apply in the case of a share warrant to bearer or a debenture stock certificate to bearer.

Registration of share and debenture stock on surrender of warrant or certificate.

31. The bearer of a share warrant to bearer or a debenture stock certificate to bearer shall on—

(*a*) surrendering the warrant or certificate with all coupons issued in respect thereof and for the time being outstanding for cancellation;

(*b*) complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of the bearer and for obtaining a specimen of his signature;

(*c*) paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of the surrender;

(*d*) paying to the Company such fee not exceeding five shillings as the Company may prescribe;

be entitled to have his name entered in the register of shareholders or stockholders or in the register of debenture stockholders as the case may be and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in such register the name of any bearer of a share warrant to bearer or a debenture stock certificate to bearer in respect of the portion of share capital or stock or debenture stock therein specified without the warrant or certificate with coupons as aforesaid being surrendered and cancelled.

As to rights of holders of share warrants to bearer.

32. The bearer of a share warrant to bearer shall subject to the provisions of this Act be deemed to be a member of the Company to the full extent Provided that the bearer of a share warrant to bearer shall not be qualified in respect of shares or stock specified in the warrant for being director or manager of the Company.

On what conditions holders of share warrants may vote.

33. No person shall as bearer of a share warrant to bearer be entitled to attend or vote or exercise in respect thereof any of the rights of a member at any meeting of the Company or to sign any requisition for or aid in calling any extraordinary meeting unless three days at least before the date appointed for the meeting in the first case and unless before the requisition is lodged

at the office of the Company in the second case he shall have deposited the share warrant to bearer at the office of the Company or such other place as the directors appoint together with a statement in writing of his name and address and unless the share warrant to bearer shall remain so deposited until after the meeting or any adjournment thereof has been held The names of more than one as joint holders of a share warrant shall not be received.

Certificates of deposit.

34. There shall be delivered to the person depositing a share warrant to bearer in accordance with section 33 (On what conditions holders of share warrants may vote) of this Act a certificate stating his name and address and the number of shares or the amount of stock represented by the share warrant to bearer so deposited by him and the certificate shall entitle him to attend and vote at any meeting and make valid his signature to any such requisition in the same way and to the same extent as if he were a registered shareholder of the Company in respect of the shares or stock specified in the said certificate and upon delivering up the said certificate to the Company the share warrant to bearer in respect whereof it shall have been given shall be returned.

Share warrants to be produced.

35. No person as bearer of any share warrant to bearer shall be entitled to exercise any of the rights of a member or shareholder of the Company (save as expressly provided by section 33 (On what conditions holders of share warrants may vote) of this Act in respect of meetings) without producing the warrant and stating his name and address.

As to notices to holders of share warrants.

36. Any notice or intimation required to be served or given to shareholders of the Company under the provisions of this Act or the Acts incorporated therewith may in the case of any bearers of share warrants to bearer be given by advertising the notice once in two newspapers published in London such advertisements to be inserted within the period (if any) prescribed for the giving of such notice.

As to applications to Parliament affecting rights of

37. If and so often as any application shall be made to Parliament for an Act affecting the rights of the holders of any class of debenture stock which shall for the time being have been issued by the Company and be outstanding and in respect whereof or any part whereof

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debenture stock-holders.

debenture stock certificates to bearer shall be then outstanding the following provisions shall have effect :—

(1) In this section the following expressions shall have the following meanings unless the subject or context otherwise requires—

"The debenture stock" means the debenture stock of such class as aforesaid for the time being issued and outstanding;

"The bearer debenture stock" means such of the debenture stock as shall for the time being be comprised in debenture stock certificates to bearer;

"Bearer certificates" means the debenture stock certificates to bearer for the time being issued in respect of the debenture stock or any part thereof and outstanding;

"The bearers" means the bearers for the time being of the bearer certificates and "bearer" means one of the bearers;

"Registered holders" means the registered holders for the time being of any debenture stock;

"Meeting" means a meeting of registered holders and bearers under this section;

"Voting certificate" means a voting certificate issued in pursuance of this section :

(2) Any meeting convened for the purpose of approving any such application to Parliament as aforesaid or any Bill for such Act as aforesaid shall so far as the bearers are concerned be duly convened by advertising the notice convening the same once in two newspapers published in London and once in the same two newspapers in the next week following the publication of the first advertisement provided the same shall be convened for a date not less than fourteen days or more than thirty days after the last insertion of the advertisement thereof in such two newspapers It shall also be lawful for but not obligatory on the Company to advertise such notice as last aforesaid in any other newspaper or newspapers either in the United Kingdom or abroad.

Every advertisement as aforesaid shall state that the bearers may not less than forty-eight hours before the time for holding the meeting or any adjournment thereof deposit at the head office of the Company their bearer certificates and obtain voting certificates in respect thereof :

(3) At a meeting or any adjournment thereof the bearer of a bearer certificate shall be treated as a legal holder thereof whether such bearer shall or shall not be the owner thereof and for all the purposes of the meeting or any adjournment thereof the bearer of a voting certificate issued under this section in respect of a bearer certificate shall be deemed to be the bearer of such bearer certificate :

(4) Prior to convening a meeting the Company shall make such arrangements as will entitle any bearer who shall not less than forty-eight hours before the time for holding such meeting or any adjournment thereof deposit a bearer certificate at the head office of the Company to receive from the Company—

(*a*) a receipt for the bearer certificate so deposited such receipt to be in such form as (subject to the provisions of the next succeeding subsection) will entitle the bearer thereof to have the bearer certificate in respect of which the same was given delivered to him in exchange therefor by the Company whether such bearer be or be not in fact the true owner of the bearer certificate ; and

(*b*) a voting certificate ;

which receipt and voting certificate shall be signed by the secretary or manager of the Company and shall specify the denoting number of the bearer certificate so deposited and the amount of the debenture stock comprised therein A voting certificate shall not except as provided by subsection (3) of this section confer any title on the bearer thereof to the bearer certificate or to the debenture stock referred to therein :

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(5) A bearer certificate deposited as last aforesaid shall be deposited subject to (amongst others) the condition that it shall be retained by the Company until the meeting has been held or abandoned or until the receipt given by the Company therefor and the voting certificate issued by the Company in respect thereof shall be delivered to the Company whichever shall be the earlier.

Loss or destruction of warrant certificate or coupon.

38. If a share warrant to bearer or debenture stock certificate to bearer or coupon is lost or destroyed then on—

(*a*) proof to the satisfaction of the directors of the ownership of such lost or destroyed warrant or certificate or coupon and of the loss or destruction thereof;

(*b*) such indemnity to the Company and the directors as the directors deem adequate being given;

(*c*) payment of all stamp and other Government duties (if any) payable in respect of the new warrant or certificate or coupon together with a fee of five shillings;

a new share warrant to bearer or debenture stock certificate to bearer or coupon as the case may be in lieu of the warrant certificate or coupon so lost or destroyed shall be issued by the Company and a due entry of the issue of such new share warrant to bearer or debenture stock certificate to bearer or coupon shall be made by the secretary in the register of shareholders or register of debenture stockholders.

Trustees unless expressly authorised not to hold bearer securities.

39. A trustee unless authorised by the terms of his trust shall not apply for or hold a share warrant to bearer or debenture stock certificate to bearer or coupon payable to bearer issued under the authority of this Act but nothing in this section shall impose upon the Company or any person authorised to issue any such share warrant to bearer or debenture stock certificate to bearer any obligation to inquire whether the person applying for a share warrant to bearer or debenture stock certificate to bearer is or is not a trustee or subject them to any liability in the event of their issuing to a trustee a share warrant to bearer or debenture stock certificate to bearer.

40. No notice of any trust in respect of any share warrant to bearer debenture stock certificate to bearer or coupon payable to bearer shall be receivable by the Company nor shall the Company be in any way affected by notice of any such trust. Notice of trusts in respect of bearer securities not to affect Company.

41.—(1) A copy of the following sections of this Act shall be endorsed on every share warrant to bearer :— Endorsement of provisions on warrants and certificates to bearer.

Section 31 (Registration of share and debenture stock on surrender of warrant or certificate);
Section 33 (On what conditions holders of share warrants may vote);
Section 34 (Certificates of deposit);
Section 35 (Share warrants to be produced);
Section 36 (As to notices to holders of share warrants); and
Section 40 (Notice of trusts in respect of bearer securities not to affect Company).

(2) A copy of the following sections of this Act shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Company :—

Section 31 (Registration of share and debenture stock on surrender of warrant or certificate);
Section 37 (As to applications to Parliament affecting rights of debenture stockholders); and
Section 40 (Notice of trusts in respect of bearer securities not to affect Company).

PART III.

ADMINISTRATIVE PROVISIONS.

42. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the ordinary meetings of the Company shall (except as the Company may from time to time by a resolution of a general meeting otherwise determine) be held once only in each year in such month and at such time and place as the directors may from time to time determine. Annual meetings.

43.—(1) All or any meetings of the Company whether ordinary or extraordinary may be convened by notice sent by post to or delivered at the registered Notices of meetings.

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address or other known address of each shareholder and stockholder entitled to be convened to the meeting Provided that the notice if sent by post shall be in a prepaid envelope or wrapper and posted not less than seven clear days before the date of the meeting and if delivered shall be delivered at such address as aforesaid not less than six clear days before the date of the meeting In proving that any such notice has been sent by post it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

(2) If a meeting is convened in accordance with subsection (1) of this section it shall not be necessary to give public notice of the meeting by advertisement.

Quorum for general meeting.

44. For the purposes of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be seven shareholders.

Voting at meetings.

45.—(1) For the purposes of voting at general meetings of the Company the prescribed scale of voting referred to in section 75 of the Companies Clauses Consolidation Act 1845 shall be as follows (that is to say) :—

On a show of hands every holder of ordinary capital and (subject to subsection (2) hereof) of preference capital present in person shall have one vote and on a poll every such holder present in person or by proxy shall have one vote for every one pound (nominal amount) of the shares and stock held by him up to one hundred pounds and he shall have an additional vote for every five pounds (nominal amount) of the shares and stock held by him beyond the first one hundred pounds Provided always that no holder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares or stock held by him.

(2) The Company may attach to any shares or stock to which a preferential dividend or interest (whether first preference second preference or otherwise) 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 shares or stock 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. A.D. 1928.

Votes of joint holders.

46. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 incorporated with this Act where several persons are jointly entitled to and registered as holders of any share or stock any one of those persons may vote at any meeting either personally or by proxy in respect of the share or stock as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

As to meetings of holders of separate classes of securities.

47.—(1) The directors may whenever they think it expedient so to do convene a meeting of the holders of any particular class of either shares or stock in the capital of the Company or of debenture stock issued by the Company and may submit to any such meeting any resolution affecting the rights of the holders of that class of shares or stock or debenture stock and not prejudicially affecting the rights of the holders of any other security of the Company.

(2) If at any special meeting of the holders of any special class of shares or stock or of debenture stock convened under this section any resolution is passed with the approval of three-fourths in value of such holders present in person or by proxy at the meeting such resolution shall be deemed valid and be binding on all holders of shares or stock or debenture stock (as the case may be) of the same class and due effect shall and may be given to such resolution by the Company and the directors accordingly.

(3) Any special meeting as aforesaid to be convened under this section shall be convened in manner prescribed by the Companies Clauses Consolidation Act 1845 for the holding of extraordinary meetings of shareholders or in manner prescribed by section 43 (Notices of meetings) of

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this Act as though the word "shareholder" in that Act of 1845 or that section of this Act meant the holders of shares or stock or debenture stock of the particular class to be convened to the meeting and at any such meeting the holders of such shares or stock or debenture stock (as the case may be) may vote in person or by proxy.

(4) The provisions of sections 76 and 77 of the Companies Clauses Consolidation Act 1845 (as amended or modified by the Companies Clauses Consolidation Act 1888) with reference to the appointment of proxies by shareholders and voting by proxy shall apply to the appointment of proxies by the holders of stock or debenture stock and to voting by those proxies and the provisions of section 79 of the Act of 1845 with reference to voting by minors and other persons shall also apply to and in the case of the holders of stock or debenture stock as if in that section the word "shareholder" included a holder of stock and holder of debenture stock and the provisions of section 46 (Votes of joint holders) of this Act shall also apply to and in the case of holders of debenture stock as if the word "stock" in that section included debenture stock.

(5) Section 80 of the Companies Clauses Consolidation Act 1845 shall apply to the proof of the approval by the necessary majority of the holders of any particular class of shares or stock or of debenture stock of any resolution proposed at a special meeting of the holders of such security as if that section were re-enacted in this section with the substitution of the words "holders of "any particular class of shares or stock or of debenture "stock" for the word "company" in the first and second places where that word occurs in the said section.

Directors.

48.—(1) The number of directors shall be five but the Company may vary the number provided that the number shall not at any time be more than seven or less than four.

(2) The qualification of a director shall be the possession in his own right of any shares or stock in the capital of the Company of a total nominal amount of not less than five hundred pounds.

(3) The quorum of a meeting of the directors shall be such number (not being less than two) as the directors may from time to time determine.

(4) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company ten days at least before the day of election.

(5) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

As to committees of directors.

49. Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one of their body as a committee for the purposes of passing transfers and sealing certificates of any shares stock or other securities of the Company and of executing any other minor powers exerciseable by the directors.

Managing directors.

50.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or

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them from office and appoint another or others in his or their place or places.

(2) A managing director while holding that office shall not be subject to retirement by rotation nor be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) Subject to any directions which may be given in general meeting the remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exerciseable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or any of such powers Provided that the directors shall be responsible for the acts of any managing director acting under the powers of this section.

Auditors.

51.—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Electricity Commissioners to be the auditor or auditors of the Company.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

Determination of remuneration of secretary and auditors.

52. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors.

Interim dividends and annual accounts.

53. If and so long as the ordinary meetings of the Company shall be held once only in each year the following provisions shall have effect :—

(*a*) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting;

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(*b*) The Company and the directors shall not be required to make up a half-yearly balance sheet and accounts and the balance sheet and accounts made up by them in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Closing of transfer books.

54.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the payment of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper published in London.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the transfer but not otherwise be considered as made subsequently to the payment of any such dividend or interest as the case may be.

As to shareholders' register.

55. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary to authenticate the register of the shareholders or stockholders of the Company by affixing the common seal of the Company to the register.

As to contracts.

56. Notwithstanding anything in any Act relating to the Company any contract required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed by the directors of the Company.

Power to grant pensions &c.

57.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employees of the Company.

(2) If any such employee is or has been killed in action or dies or has died of wounds injuries or disease received or contracted whilst serving with any of His Majesty's forces in war the directors may where adequate provision is not otherwise made grant such gratuities

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pensions or allowances or make such other payments as they may think fit to the widow or family or any dependant of such employee.

(3) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the funds and revenues of the Company.

(4) In this section the word "employee" includes any officer or servant.

Profit sharing.

58. The directors may prepare put in force and from time to time modify alter or rescind a scheme or schemes (temporary or permanent) enabling the officers servants workmen and other employees of the Company (in this section called "employees") or any class or classes of such employees as may be defined in such scheme or schemes to participate in the profits of the undertaking or of any particular portion or portions of the undertaking as part of the terms of remuneration for the services of any such employees.

PART IV.

LANDS GENERATING STATIONS AND WORKS.

Additional lands.

59.—(1) In addition to the lands held by the Company at the passing of this Act they may (by agreement but not otherwise) acquire or take on lease and hold and use for the general purposes of the undertaking any further lands within the limits of supply not exceeding in the whole one hundred acres Provided that the Company shall not on any lands acquired and held by them under this section create or permit a nuisance and nothing in this section shall authorise the Company to erect a station for generating electricity on any such lands.

(2) The Company may purchase or acquire by agreement and hold and use for the purposes mentioned in section 61 (Generating stations) of this Act such further lands not exceeding ten acres as they think fit but the Company shall not be exonerated from any indictment action or other proceeding for nuisance if any nuisance

is caused or permitted by them on any such further lands as are referred to in this subsection Provided that nothing in this subsection shall authorise the Company to erect a generating station in the urban district of Friern Barnet the urban district of Wood Green the urban district of Southgate or the urban district of Edmonton without the consent in writing of the local authority.

Power to grant easements &c.

60. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as they are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Generating stations.

61.—(1) The Company may on the lands described in the Third Schedule to this Act or on any part of any of those lands (so long as they are possessed of them) continue erect extend enlarge maintain and use stations for generating electricity with all proper and necessary or convenient engines dynamos batteries accumulators machinery plant rails roads buildings apparatus and works and produce transform transmit use and supply electricity for the purposes and subject to the provisions of this Act:

Provided that nothing in this subsection shall relieve the Company from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 to the erection or construction of any new or the extension of any existing generating station as aforesaid.

(2) Any generating station erected or to be erected on the lands (*e*) described in the Third Schedule to this Act shall be exempt from the operation of any public or local Act or any byelaw made thereunder by the local authority relating to the construction cubical extent height or position of or to open spaces about buildings or to temporary buildings but any generating station to

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be so erected shall be constructed with due regard to the position thereof in relation to neighbouring buildings and to air spaces about the same and for the protection from fire and the Company shall comply with any reasonable requirements of the local authority in reference to such matters and if the Company do not agree to any requirements of such authority under this section the difference shall be settled by arbitration under the Electric Lighting Act 1882:

Provided that this subsection shall not exempt any such generating station from the operation of the Factory and Workshop Act 1901.

Acquisition of generating stations &c. by agreement.

62.—(1) The 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 Electricity Order or Act of Parliament to supply electricity in any area of supply which may be situate within or partly within and partly without or adjoining the limits of supply or in any area which adjoins the limits of supply and in which the Company are for the time being giving or under contract to give a supply of electricity in bulk and any such local authority company or person may transfer any such generat ng station sub-station and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Company on such terms as may be agreed.

(2) If the Company so acquire 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 limits of supply exercise all the powers rights authorities and privileges so transferred to them and any generating station sub-station or works transferred to the Company under 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 Company.

(3) Nothing in this section shall exonerate the Company from any indictment action or other proceeding for

nuisance in the event of any nuisance being caused or permitted by the 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.

(4) Nothing in this section shall authorise the Company—

(*a*) To acquire any generating station sub-station or works of any local authority company or person authorised to supply electricity in London; or

(*b*) To acquire any powers rights and privileges of any undertakers with respect to the supply of electricity; or

(*c*) To acquire any generating station sub-station or works in Hertfordshire without the consent in writing of the local authority for the borough or district in which the same is situate.

As to routes for electric lines.

63.—(1) Any electric lines laid by the Company under the powers of this Act under any street 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 Minister And the Company shall show on the plan of the works to be served on such local authority in accordance with the provisions of the Electric Lighting (Clauses) Act 1899 incorporated with this Act the route proposed to be taken and the dimensions and position of the proposed trench:

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 Minister is 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 Minister under this section shall unless the Minister shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

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Map of electric lines to be made and deposited.

64. The Company shall cause a map to be made showing the line and the depth below the surface of all electric lines laid down by them for supplying electricity in bulk to authorised undertakers and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Company shall also if required by the Minister or the Postmaster-General cause to be made sections showing the level of all such electric lines The map and sections shall be made on such scale or scales as the Minister shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at the office of their chief engineer and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Company shall if so required by the Minister or the Postmaster-General or by the local authority supply to them or him a copy of any such map or section and cause the copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

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

Prohibition of overhead wires in London.

65. Except as otherwise provided by section 21 of the Electricity (Supply) Act 1919 as amended by the Electricity (Supply) Act 1926 the Company shall not without the express consent of the London County Council and of the Minister place any electric line above ground in London except within premises in the sole occupation or control of the Company and except so much of any service line as is necessarily so placed for the purpose of supply.

If the Company place any electric lines in contravention of this section or fail to remove the same when

so required by the council they shall be liable on summary conviction to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction may on complaint made in addition to or without imposing any penalty under this section make an order authorising the removal of any such electric line by such person and on such terms as to the court may seem fit.

Power to lay mains in Willesden.

66. For the purposes hereinafter mentioned the Company shall have and may exercise the same powers and be subject to the same restrictions and conditions as to laying mains and pipes in and breaking up roads within the urban district of Willesden which they would have and be subject to if those roads were within the limits of supply.

The purposes above referred to are:—

(1) The purpose of supplying electricity in bulk from the generating station situate on the lands (*b*) described in the Third Schedule to this Act—

(*a*) To the Willesden Urban District Council or any person to whom that council may transfer the undertaking authorised by the Willesden Electric Lighting Order 1898 during the continuance of the transfer;

(*b*) To the limits of supply;

(*c*) To any tramways or light railways in the urban district of Willesden from time to time owned or worked by the Metropolitan Electric Tramways Limited and authorised to be worked by electrical power;

(2) The purpose of connecting the aforesaid generating station with any other generating station of the Company;

(3) The purpose of carrying into effect any agreement made under section 79 (Power to Company to take and power to Metropolitan Railway Company and London Midland and Scottish Railway Company to give supply in bulk) of this Act for the supply of electricity in bulk to the Company;

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(4) The purpose of taking or giving a supply of electricity from or to any authority company or person authorised to give to the Company or to whom the Company are authorised to give such a supply.

Further power to lay mains outside limits of supply.

67.—(1) For the purpose of conveying a supply of electricity from any part of the limits of supply to any other part thereof the Company may enter upon and break up so much of the road leading from Edgware to St. Albans (known as Watling Street) as is situate in the parish of Aldenham in the rural district of Watford and lay down place or erect electric lines and other works in under or over such portion of road.

(2) For the purpose of enabling the Company to give or take a supply of electricity to or from the corporation of Luton the Company may after having entered into an agreement with the corporation for the purpose aforesaid enter upon and break up so much of the road leading from Harpenden to Luton as is situate in the parish of Hyde in the rural district of Luton and lay down place or erect electric lines and other works in under or over such portion of road and the Company are hereby authorised to give or take a supply of electricity to or from the said corporation accordingly Provided that nothing in this subsection shall be deemed to prejudice the constitution or alteration of any area as an electricity district under the Electricity (Supply) Act 1919.

(3) The Company shall in respect of the said portions of roads electric lines and works have the same rights and be subject to the same obligations and liabilities (other than rights and obligations in regard to the supply of electricity) as they would have and be subject to if the said portions of roads electric lines and works were situate within the limits of supply and the said portions of roads were broken up for the purposes of this Act.

PART V.

POWERS AND OBLIGATIONS OF SUPPLY.

Principal powers of supply.

68. Subject to the general limitations stated in the next following section of this Act and subject to the other provisions and restrictions of this Act the Company

may supply electricity for the purposes and to the extent in this section mentioned (viz.):—

(1) The Company may supply electricity in bulk to any lighting authority or authorised distributors for use by them—

(*a*) for any prescribed purposes within the limits of supply; and

(*b*) on their own premises:

(2) The Company may supply electricity in bulk to any authorised users for use by them—

(*a*) for any prescribed purposes whether within or beyond the limits of supply; and

(*b*) on their own premises;

but nothing in this subsection shall authorise the Company to break up or interfere with any street or lay down or construct any electric lines or works beyond the limits of supply:

(3) Within the special area the Company may also supply electricity to any person for power purposes:

Electricity supplied under this subsection may be used by the person to whom it is supplied for lighting any premises on any part of which the power is utilised Provided that the amount of electricity used by any such person for lighting purposes shall not in any year except with the consent in writing of the local authority for the district within which such electricity is supplied exceed twenty per centum of the total amount of electricity supplied to such person and save as aforesaid and save as authorised by subsections (1) and (2) of this section the Company shall not supply electricity for lighting purposes within the special area:

(4) Within the general supply area the Company may also supply electricity to any person—

(*a*) for power purposes; and

(*b*) for lighting purposes:

Electricity supplied under this subsection to any person for power purposes may be used by that person for lighting any premises on any part of which the electricity is used.

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General limitations on powers of supply.

69. The powers of supplying electricity conferred on the Company by section 68 (Principal powers of supply) of this Act shall be subject to the following general limitations (viz.):—

(1) The Company shall not supply electricity in bulk to any authorised users under subsection (2) of the said section 68—

(*a*) for use by the authorised users exclusively within any area which is within the limits of supply and was on the sixth day of August nineteen hundred the area of supply of any authorised distributors except with the consent of those distributors; or

(*b*) for use by the authorised users in any area which is beyond the limits of supply and was on the twenty-fifth day of May nineteen hundred and nine part of the area of supply of any authorised distributors except with the consent of those distributors;

but the consent of any authorised distributors under this subsection shall not be unreasonably withheld and if any question arises as to whether the consent of any authorised distributors is unreasonably withheld the question shall be determined by the Minister The consent shall be deemed to be unreasonably withheld if the authorised distributors are not willing and in a position to give the requisite supply on reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Minister shall amongst other things have regard to the terms on which and the time within which the Company are willing and in a position to give the supply:

(2) The Company shall not supply electricity under subsection (3) of the said section 68 within the district of any local authority except with the consent of that authority but such consent shall not be unreasonably withheld If any question arises whether any such consent is unreasonably withheld the question shall be determined by

the Minister The consent shall not be deemed to be unreasonably withheld if the local authority are willing to give such supply on reasonable terms and within a reasonable time and the Company are not willing to give such supply on reasonable terms and within a reasonable time No consent given by a local authority under this subsection shall (unless otherwise expressed) be deemed to extend so as to authorise the Company to give any other supply of electricity within the district of that authority than the particular supply to which the consent shall relate :

(3) (*a*) The Company shall not supply electricity under paragraph (*a*) of subsection (4) of the said section 68 (except to authorised undertakers or to any company body or person owning or working any railway tramway tramroad waterworks harbour dock canal or navigation) in any part of the area of supply under any of the Orders mentioned in subsection (4) of this section except with the consent of the authorised distributors under such Order but the consent of any such authorised distributors shall not be unreasonably withheld If any question arises as to whether the consent of any such authorised distributors is unreasonably withheld the question shall be determined by the Minister The consent shall be deemed to be unreasonably withheld if the authorised distributors are not willing and in a position to give the requisite supply on reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Minister shall amongst other things have regard to the terms on which and the time within which the Company are willing and in a position to give the supply;

(*b*) The Company shall not supply electricity under paragraph (*b*) of subsection (4) of the said section 68 in any part of the area of supply under any of the Orders mentioned in subsection (4) of this section except with the previous consent of the authorised distributors under such Order :

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(4) The Orders referred to in subsection (3) of this section are:—

Barnet Electric Lighting Order 1905;

Harrow Electric Lighting Order 1894;

Harrow-on-the-Hill Electric Lighting Order 1900;

Hendon Electric Lighting Order 1899;

Hendon Electric Lighting Order 1899 Amendment Order 1903;

Hertford Electric Lighting Order 1891;

Hitchin Electricity Special Order 1924;

Kingsbury Electric Lighting Order 1905;

Letchworth and District Electricity Special Order 1924;

St. Alban Electric Lighting Order 1898;

St. Albans Rural Electric Lighting Order 1905;

St. Albans and District Electric Lighting Order 1907;

Stevenage and District Electricity Special Order 1924.

Further limitations on powers of supply in Hertfordshire.

70.—(1) The Company shall not exercise the powers of subsection (4) of section 68 (Principal powers of supply) of this Act within any of the boroughs and districts in Hertfordshire mentioned in subsection (2) of this section except with the previous consent under seal of the local authority of the borough or district Provided that as regards a supply for power purposes under paragraph (*a*) of the said subsection (4) such consent shall not be unreasonably withheld and if on an application in writing by the Company the local authority shall fail or refuse to consent within fourteen days of the receipt of the application the question whether the consent has been unreasonably withheld shall be inquired into and determined by the Minister and the local authority shall be entitled to appear and be heard before the Minister Provided also that as regards a supply for lighting purposes under paragraph (*b*) of the said subsection (4) if the local authority shall consent as aforesaid the provisions of sections 27 to 30 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the supply of electricity by the Company for lighting purposes within the borough or district of that local authority and the provisions of section 2 of the Electric Lighting

Act 1888 shall apply to all mains cables and apparatus laid down by the Company within the said borough or district and used exclusively for such lighting purposes and the period of forty-two years mentioned in the said section 2 shall be calculated from the date on which the consent of the said local authority shall have been obtained to a supply for such lighting purposes.

(2) The boroughs and districts to which subsection (1) of this section applies are :—

The boroughs of Hertford and St. Albans;
The urban districts of Cheshunt East Barnet Valley Harpenden Hoddesdon and Ware; and
The rural districts of Hatfield Hertford St. Albans and Ware.

(3) The Company shall not within the urban districts of Baldock Bishop's Stortford Hitchin or Stevenage or the parishes of Graveley Knebworth or Willian in the rural district of Hitchin or the parish of Thorley in the rural district of Hadham commence to supply electricity under the powers of subsection (4) of section 68 (Principal powers of supply) of this Act except with the previous consent of the local authority for the district but such consent shall not be unreasonably withheld Any dispute as to whether any such consent is unreasonably withheld shall on the application of the Company be determined by the Electricity Commissioners whose decision shall be final.

(4) Nothing in this section shall limit or affect the powers of the Company to supply electricity under any provisions of this Act other than under subsection (4) of section 68 (Principal powers of supply) of this Act.

Continuance of existing consents to supply.

71. Neither the repeal of the former Acts nor anything in this Act shall invalidate any consent which—

(*a*) was given before the passing of this Act by any local authority or authorised distributors or other company body or person under subsection (1) of section 11 of the Act of 1900 or under subsection (4) of section 3 of the Act of 1902 or under section 7 of the Act of 1907 or under subsection (2) of section 5 or subsection (1) of section 6 of the Act of 1909 or under subsection (3) of section 8 of the Act of 1925 or under any other provision of any of the former

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Acts requiring any consent of any such local authority authorised distributors company body or person to be obtained before the Company supply electricity either generally or for any particular purpose or purposes within any particular district or area; and

(*b*) was still in force immediately before the passing of this Act;

and the Company may continue to supply electricity within the district or area to which any such consent relates in accordance with the consent and for the purposes of and subject to the terms and conditions (if any) stated in the consent as though the consent had been given under section 69 (General limitations on powers of supply) or under subsection (1) or subsection (3) of section 70 (Further limitations on powers of supply in Hertfordshire) of this Act or under any such other provision of this Act as corresponds with the provision of the former Acts under which such consent has been given Provided that as regards the consents given under the said subsection (1) of section 6 of the Act of 1909 by the respective local authorities for the urban districts of Cheshunt East Barnet Valley Harpenden Hoddesdon and Ware and the rural districts of Hatfield Hertford and Ware which consents include a consent to the supply of electricity for lighting purposes the period of forty-two years mentioned in subsection (1) of the said section 70 of this Act shall continue to be calculated from the respective dates on which the respective consents were given.

Obligation to supply authorised undertakers taking whole supply.

72.—(1) The Company shall on being required to do so by any authorised undertakers within the limits of supply in accordance with the provisions hereinafter contained give and continue to give a supply of electricity to such authorised undertakers and the Company shall provide and lay any electric lines which may be necessary for the purpose of supplying the maximum power with which any such authorised undertakers are entitled to be supplied under this section.

(2) Authorised undertakers requiring a supply of electricity under this section shall—

(*a*) Serve a notice upon the Company specifying the point at which the supply is required and

the maximum power required to be supplied and the purposes for which it is required and the day (not being an earlier day than a reasonable time after the date of the service of the notice) on which the supply is required to commence; and

(*b*) Enter into a written contract with the Company to continue to receive and pay for a supply of electricity of such an amount that the payment to be made for the supply at the rate of charge for the time being charged by the Company shall not be less than twenty per centum per annum of the expense of providing and laying the necessary electric lines between the generating station and the point at which the supply is to be given to such authorised undertakers or the proportion of such expense applicable to the supply.

(3) The Company shall not under this section be bound to give any supply to any such authorised undertakers unless such authorised undertakers shall enter into a written contract to take from the Company the whole of the supply required by them for the purposes of their undertaking.

(4) If any such authorised undertakers use the electricity supplied to them by the Company for any purposes or deal with it in any manner so as to interfere unduly or improperly with the efficient supply of electricity by the Company to any other authorised undertakers the Company may if they think fit discontinue to supply electricity to the first mentioned authorised undertakers so long as the electricity is so used or dealt with.

(5) The maximum power with which any such authorised undertakers shall be entitled to be supplied shall be of such amount as shall be reasonable for the purposes for which such supply is required and shall not be increased except on service of a fresh notice in accordance with the provisions of this section.

Obligation to supply authorised undertakers taking

73.—(1) The Company shall give a supply of electricity—

(*a*) in bulk to any authorised undertakers who may require to take from the Company a portion

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partial supply and power users.

only of the electricity required by them for the purposes of their undertaking; and

(*b*) for power purposes to any person (other than authorised undertakers) within the general supply area;

on such authorised undertakers or person as aforesaid entering into a binding contract to take such electricity on such terms and conditions as failing agreement shall be fixed by a single arbitrator appointed by the Minister In fixing such terms and conditions (including a minimum annual sum to be paid to the Company) the arbitrator shall have regard to the following amongst other considerations :—

(i) The period for which the authorised undertakers or person to whom the supply is to be given are or is prepared to bind themselves or himself to take such electricity;

(ii) The amount of electricity and the maximum power required and the hours during which the Company can be called upon to supply such electricity;

(iii) The capital expenditure in connection with such supply;

(iv) How far capital expended in connection with such supply may become unproductive to the Company upon the discontinuance of such supply.

(2) Any person requiring a supply of electricity for power purposes under this section shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract.

(3) The provisions of section 80 (Maximum prices) of this Act shall not apply to any supply given under this section to any authorised undertakers who may require to take a portion only of the electricity required by them for the purposes of their undertaking.

Maximum power.

74.—(1) The maximum power with which any person (other than authorised undertakers) within the general supply area shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as his maximum consumption.

If any difference arise between any such person and the Company as to what may be reasonably anticipated as aforesaid such difference shall be determined by a single arbitrator to be appointed by the Minister.

(2) The maximum power with which any person (other than authorised undertakers) shall be entitled to be supplied by the Company shall not include any supply of electricity taken only on extraordinary occasions or as a stand-by supply unless such consumer shall pay to the Company such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Company in order to meet the possible maximum demand for those premises The sum to be so paid shall be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

The provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Company under the terms of any agreement existing on the second day of July nineteen hundred and twenty of any right to which he would be entitled but for those provisions.

Penalty for failure to supply.

75. Whenever the Company make default in supplying electricity to any authorised undertakers to whom they may be and are under this Act required to supply electricity in accordance with the 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 five hundred pounds 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.

Additional powers of supply.

76.—(1) The Company on the one hand and any authorised undertakers on the other hand may enter into and carry into effect vary and rescind contracts agreements or arrangements for or with respect to the supply by the Company to such authorised undertakers of

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electricity in bulk at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly.

(2) The Company and the Willesden Urban District Council may enter into and carry into effect agreements for the supply by the Company to the council of electricity in bulk and the Company and the council may exercise all such powers as may be necessary for enabling the Company to supply such electricity in bulk to the council and the council to take and use such electricity for the purposes of their electricity undertaking.

(3) The Company may at any point or points within the limits of supply for the time being of the Company and notwithstanding anything to the contrary in subsection (1) of section 69 (General limitations on powers of supply) of this Act supply electricity for all purposes to the trustees of the Alexandra Palace Wood Green or 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 limits of supply and notwithstanding that such electricity is to be used for such purposes in part outside such limits of supply:

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

Provided also that such company body or person shall not use the said electricity 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 electricity 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 subsection shall authorise the Company to supply electricity 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.

Agreements with adjoining authorised distributors.

77. The Company on the one hand and any local authority authorised by Order or Act of Parliament to supply electricity within any area adjoining the limits of supply for the time being of the Company or (with the approval of the Minister) any company or person so authorised on the other hand may enter into and carry into effect agreements for the supply of electricity in bulk by or to the Company to or by such local authority company or person and the provisions of the respective Acts and Orders under which such authority company or person may be empowered to supply electricity shall so far as applicable have effect within the limits of supply of such authority company or person for the purposes of a supply to be afforded under this section.

As to agreements for supply of electricity.

78. The Company on the one hand and any authority company or person to whom the Company are under this Act authorised (subject to the provisions of this Act) to supply electricity on the other hand may enter into and carry into effect vary and rescind contracts or agreements for or with respect to the supply by the Company to such authority company or person of electricity for any purpose for which the Company are authorised to supply electricity to such authority company or person and at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly Provided that the Company shall not in making any such contract or agreement show any undue preference to any such authority company or person Provided also that this section shall not apply to contracts or agreements which may be entered into between the Company and authorised distributors.

Power to Company to take and power to Metropolitan Railway Company and London Midland and Scottish Railway

79.—(1) Notwithstanding anything in any Act or Order to the contrary the Company on the one hand and the Metropolitan Railway Company and the London Midland and Scottish Railway Company or either of such companies on the other hand may enter into and carry into effect agreements for the supply of electricity in bulk to the Company by the Metropolitan Railway Company and the London Midland and Scottish Railway Company or either of those railway companies for the purposes for which the Company are authorised to supply

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Company to give supply in bulk.

distribute or use electricity and for the purpose of carrying into effect any such agreement made under the provisions of this section the Company may exercise within the parish and urban district of Wembley all the powers vested in them by this Act of laying down electric lines and mains and other works in and breaking up of streets and roads within such parish and urban district Provided that—

(i) The Company shall not be entitled to take or the said railway companies to give a supply of electricity under the powers of this section from any generating station situate in London;

(ii) The Company shall not supply any electricity supplied to them outside London by the said railway companies within London except within the metropolitan borough of Stoke Newington and except to those portions of any tramways which were being supplied with electricity by the Company on the thirty-first day of July nineteen hundred and fourteen;

(iii) 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 electricity contained in the Acts or Orders of any company supplying electricity to the 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.

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

PART VI.

PRICES METHODS OF CHARGE AND METERING.

Maximum prices.

80.—(1) The prices to be charged by the Company for electricity supplied by them under this Act other than—

(*a*) in bulk to authorised undertakers requiring to take a portion only of the electricity required by them for the purposes of their undertaking; and

(*b*) for lighting purposes;

shall not exceed those stated in Part I of the Fourth Schedule to this Act but the Company may at their option charge for electricity so supplied either by the method prescribed in the said Part I or by the following method (that is to say):—

A fixed sum per quarter per kilowatt of the maximum power required to be supplied to the consumer and in addition a sum per unit for all units supplied to such consumer:

Provided that such fixed sum together with the sum per unit shall in the aggregate not exceed the prices stated in the said Part I.

(2) The prices to be charged by the Company for electricity supplied by them under this Act for lighting purposes within the general supply area in the several boroughs and districts respectively mentioned or referred to in subdivisions (1) (2) and (3) of Part II of the Fourth Schedule to this Act shall not exceed the prices stated or referred to in those respective subdivisions.

Revision of prices and methods of charge.

81.—(1) If either—

(*a*) the Company; or

(*b*) three or more authorised undertakers supplied by the Company; or

(*c*) a local authority within the limits of supply; or

(*d*) such number of consumers (not less than twenty) as the Minister considers sufficient having regard to the population of the limits of supply; or

(*e*) the Hertfordshire County Council or the Middlesex County Council;

at any time after the passing of this Act make a representation to the Minister that the prices or methods of charge stated in Part I or in subdivisions (1) and (3) of Part II of the Fourth Schedule to this Act or prescribed by any order referred to in subdivision (2) of Part II of the said Fourth Schedule or any of those prices or methods of charge ought to be altered the Minister after such inquiry as he may think fit may make an order altering those prices or methods of charge by varying the same or some of them or substituting other prices or methods of charge in lieu thereof Provided that the prices and methods of charge prescribed by an order

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made under this subsection may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered.

On and after such date as may be mentioned in an order made under this subsection and for the time being in force all the provisions of this Act shall (subject to anything in any subsequent order so made) have effect as if the prices or methods of charge prescribed by the order had been stated in the Fourth Schedule to this Act in lieu of the prices or methods of charge which have been altered by the order.

(2) If with respect to any Electricity Order being either one of the Distribution Orders or an Electricity Order authorising an undertaking which is acquired by the Company under section 85 (Transfer of undertakings to Company) of this Act either—

(*a*) the Company; or

(*b*) such number of consumers (not less than twenty) as the Minister considers sufficient having regard to the population of the area of supply for the purposes of the Electricity Order; or

(*c*) the local authority; or

(*d*) so long as the Company own the undertaking under the Electricity Order and the area of supply is situate wholly or partly in Hertfordshire the Hertfordshire County Council or if the same be situate wholly or partly in Middlesex the Middlesex County Council;

at any time after the passing of this Act make a representation to the Minister that the prices or methods of charge stated in the Electricity Order or in any enactment incorporated therewith or in any deed transferring the undertaking authorised by or the powers of the Electricity Order to the Company or to their predecessors or in any agreement relating to any such transfer or in any order of the Minister made prior to the passing of this Act and revising the prices or methods of charge stated in the Electricity Order or such deed or agreement as aforesaid ought to be altered the Minister after such inquiry as he may think fit may make an order altering those prices or methods of charge by varying the same or substituting other prices or methods of charge in lieu thereof and the prices and methods of charge as so altered shall have

effect on and after such date as may be mentioned in the order of the Minister as if they had been stated in the Electricity Order or incorporated enactment or deed or agreement or revising order as the case may be:

Provided that before making an order altering any prices or methods of charge which are stated in any such deed or agreement as aforesaid the Minister shall if objections to the alterations are made by the local authority and not withdrawn cause an inquiry to be held with reference to those objections:

Provided also that the prices and methods of charge prescribed by an order made under this subsection may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered.

(3) On representation being made to the Minister under this section for an order altering any such prices or methods of charge as aforesaid any sums set aside out of revenue under section 23 (Redemption or purchase of loan capital) of this Act for the purpose of providing for the repayment or redemption of any mortgages debentures or redeemable debenture stock forming part of any loan capital to be raised by the Company under the powers of this Act in respect of any capital raised by the Company prior to the passing of this Act under section 4 (Power to raise additional capital) of the Act of 1927 or in respect of the additional capital shall not be taken into account by the Minister as an expense in determining the prices or methods of charge to be prescribed by the order.

(4) Any method or methods of charge which may be prescribed by an order made under this section may be other than by the actual amount of electricity supplied or the electrical quantity contained in the supply and the Company may charge by such method or methods accordingly.

(5) The provisions of this section shall have effect notwithstanding anything in the Electricity (Supply) Act 1922 and shall be in lieu of and shall supersede any provisions relating to the revision of prices or the methods of charge in or incorporated with any of the Distribution Orders or any Electricity Order authorising an undertaking which is acquired by the Company under the provisions of section 85 (Transfer of undertakings to

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Company) of this Act or in any deed transferring the undertaking authorised by or the powers of any such Electricity Order to the Company or to their predecessors or in any agreement relating to any such transfer.

Meters to be used.

82.—(1) The amount of electricity supplied by the Company to any authorised undertakers (hereinafter referred to as "the value of the supply") shall except as otherwise agreed between the Company and the authorised undertakers be ascertained by means of a meter of such type as shall be agreed upon between them or as failing agreement shall be determined by arbitration and the meter shall be deemed an appropriate meter and shall be fixed at the point of delivery and certified by an electric inspector appointed under this Act.

(2) If either the Company or the authorised undertakers shall so require the value of the supply shall be ascertained by three such meters in the following manner (that is to say). One meter shall belong to and be kept in repair by the Company one shall belong to and be kept in repair by the authorised undertakers and a third shall be provided and kept in repair by the Company at the joint expense of the Company and the authorised undertakers and the amount of electricity supplied shall be ascertained by average of the readings of these meters and any meter showing a difference from the mean reading of the three of more than three per centum shall be re-calibrated and the cost borne equally by the Company and the authorised undertakers.

During such period as any of the meters shall so prove unreliable the supply of electricity shall be so measured by the reading or average of the readings of the other or others of them.

(3) If either the Company or the authorised undertakers require the value of the supply to be ascertained by three meters as hereinbefore provided the provisions of sections 50 52 54 57 and 59 of the Schedule to the Electric Lighting (Clauses) Act 1899 shall not apply thereto but the Company shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times.

Electricity supplied for lighting

83. In any case where electricity supplied by the Company to any consumer is used partly for lighting purposes and partly for purposes other than lighting

the Company may require that the electricity used for lighting purposes shall be measured by a separate meter and paid for at the price for the time being in force for electricity supplied for lighting purposes within the district in which the consumer's premises are situate.

Lighting purposes to be metered separately.

PART VII.

SUBSIDIARY POWERS.

Power to promote Electricity Orders.

84. The Company may apply for Electricity Orders but nothing in this Act shall prevent the application to the Company as undertakers under and for the purposes of any such Order and to the undertaking authorised thereby of the provisions of the Electricity (Supply) Acts 1882 to 1926 The provisions of this section shall not apply in London.

Transfer of undertakings to Company.

85.—(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom an Electricity Order under the Electricity (Supply) Acts 1882 to 1926 shall have been granted relating to an area wholly within or partly within and partly without or adjoining the limits of supply the undertaking authorised by the Order and the powers rights authorities and privileges of the undertakers under the Order and the undertakers under any such Order which shall have been made and confirmed prior to the thirtieth day of June nineteen hundred and twenty-five may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners transfer their undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and on such terms as may be specified in the deed.

(2) If the Company acquire the undertaking authorised by any such Order and the powers rights authorities and privileges of the undertakers thereunder the Company shall subject to such exceptions and modifications (if any) as aforesaid be deemed to be the undertakers for all the purposes of the Order and shall be allowed to charge for electricity supplied under the Order such prices as may be prescribed by or under the Order Provided that (*a*) for electricity supplied under the Order for power purposes the rates charged by the Company shall not exceed those prescribed by Part I of

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the Fourth Schedule to this Act or by subsection (1) of section 80 (Maximum prices) of this Act as the Company may determine and (*b*) in the case of any Provisional Order granted prior to the year nineteen hundred in respect of any area outside London the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 shall from and after the transfer be deemed to have been incorporated with the Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith.

(3) The powers conferred by this section may be exercised in respect of a part only of any such undertaking as aforesaid.

(4) Nothing in this section shall authorise the Company except with the consent of the Electricity Commissioners to acquire the powers rights authorities and privileges of the undertakers under any Order with respect to the supply of electricity in London or the borough of Ealing or the urban districts of Acton and Leyton.

(5) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by the authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

(6) If the undertaking authorised by any such Order is acquired by the Company under this section the provisions of the Electric Lighting Act 1888 shall (subject to any provisions contained in the Order) apply to that undertaking and whether the undertakers are a local authority or not the said undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 Provided that (*a*) the periods at which the local authority may under the last-mentioned provisions or under any deed of transfer repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company and (*b*) none of the provisions of any Order authorising any undertaking so acquired by the Company or of the Electricity (Supply) Acts 1882 to 1926 shall extend to authorise the purchase by any local authority of any generating station or other works of the Company which are not exclusively used or required for the purposes of supplying electricity under

the Order within the area of supply as defined by the Order. A.D. 1928.

(7) If after any transfer of any undertaking under this section the local authority purchase the undertaking or so much thereof as is within their jurisdiction the Company may supply electricity under this Act within the area in which the undertaking or portion of the undertaking so purchased is situate (so far as such area is within the limits of supply) to authorised users or persons requiring a supply of electricity for power without any consent to such supply being required under subsections (1) (2) or (3) of section 69 (General limitations on powers of supply) of this Act.

(8) The provisions of subsections (6) and (7) of this section shall apply with respect to the Orders named in Part II of the First Schedule to this Act (which Orders were acquired by the Company by deeds of transfer approved by the Board of Trade or the Electricity Commissioners under sections of the former Acts corresponding with this section) as though the said Orders had been acquired by or transferred to the Company under this section and for the purposes of subsection (6) of this section the date of the acquisition of any such Order shall be the date stated with reference to the Order in column 2 of Part II of that schedule.

Power to subscribe for shares or lend money to other undertakers &c.

86. The Company may subscribe for purchase hold and dispose of shares or stock of any company taking or agreeing to take a supply of electricity from the Company or who are establishing or about to establish or have established factories or other works or who are or may be authorised by Act of Parliament or Order confirmed or approved by Parliament to supply electricity in any area within or contiguous to the Company's limits of supply for the time being and may lend money on mortgage bond or other security to any such company provided that the amount so subscribed and lent by the Company under this section shall not at any one time exceed five hundred thousand pounds.

Laying mains in private streets.

87.—(1) The Company may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use or if so dedicated

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not repairable by the inhabitants at large supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1926 and of the schedule to the Electric Lighting (Clauses) Act 1899 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Company under the powers of this section.

(2) Before the Company break up any street under the powers of this section the Company shall (except in emergency) give twenty-one clear days' notice to the local authority of the borough or district in which the street is situate of their intention so to do and the Company shall in carrying out any works in such street and in reinstating it conform to all reasonable requirements made by the local authority Any difference arising between the Company and the local authority under this subsection shall be settled by arbitration.

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

88.—(1) The Company 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 standards apparatus or appliances (all of which are in this section referred to as "fittings") for lighting (whether for public lighting or otherwise) heating and motive power and for all other purposes for which electricity 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 but nothing herein contained shall authorise the Company to manufacture any such fittings.

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

(3) Any fittings provided by or on behalf of the Company 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 Company.

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

(5) If any local authority purchase any of the undertakings authorised by any of the Orders mentioned in Part III of the First Schedule to this Act 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 they may enter into contracts for the execution of any of the powers of this section (including the wiring of private property) if the contractor acts independently of the local authority in the execution of the contract The local authority shall not sell any such fittings except through a contractor carrying on his business independently of the local authority;

(*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 money borrowed for those purposes and all sums supplied to sinking fund for repayment of money 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.

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PART VIII.

MISCELLANEOUS PROVISIONS.

Sliding scale.

89.—(1) Except as hereinafter provided the dividend payable by the Company on the capital of the Company shall not exceed the rate of eight per centum per annum.

(2) In respect of any year during the whole of which the prices actually charged by the Company for a supply of electricity for power purposes shall have been at the rate of one and a quarter per centum or more below the maximum prices stated in Part I of the Fourth Schedule to this Act such dividend may be increased in the ratio of five shillings per hundred pounds in respect of every complete one and a quarter per centum by which the prices so charged by the Company for a supply of electricity for power purposes shall have been below such maximum prices Provided that the Company may in addition to such dividends make good any deficiency in the dividend in respect of any previous year (whether before or after the passing of this Act) which shall have been below the said yearly rate of eight per centum.

(3) If in any year the dividend paid by the Company for that year on the capital of the Company exceeds the aforesaid rate of eight per centum the prices to be charged by the Company for a supply of electricity for power purposes for the next following year shall be one and a quarter per centum less than the maximum prices stated in Part I of the Fourth Schedule to this Act in respect of every complete sum of five shillings per hundred pounds by which the dividend so paid exceeds eight per centum.

(4) For the purposes of subsection (2) of section 31 of the Electricity (Supply) Act 1926 this Act shall be deemed to be a special Act passed before the passing of that Act of 1926.

As to applications for Electricity Orders by other persons.

90. Nothing in this Act shall prejudice or affect any application which is now being or may hereafter be made by any local authority company or person for an Electricity Order for power to supply electricity in any area within the limits of supply and in any Electricity Order to be granted by the Electricity Commissioners after the passing of this Act authorising any local authority company or person so to supply electricity provision may be

made as to the taking over of any supply of electricity then given by the Company (*a*) to authorised users for use exclusively within the area of supply under such Electricity Order or (*b*) exclusively for lighting purposes within such area of supply or otherwise as to the powers of the Company to supply in such area of supply exclusively for lighting purposes.

Appointment of electric inspectors outside London.

91.—(1) The Electricity Commissioners may on the application of the Company or of any authorised undertakers or any person supplied with electricity for power purposes appoint and keep appointed one or more competent and impartial persons to be electric inspectors under this Act and the Electricity Commissioners may prescribe the fees to be taken by any such inspector and those fees shall be accounted for and applied as may be directed by the Electricity Commissioners.

(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 If the Company fail to comply with the provisions of this subsection any such local authority may apply to the Electricity Commissioners 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.

(3) The provisions of this section shall not apply in London.

Appointment of electric inspectors in London.

92. So far as relates to the exercise of the powers of this Act in London the following provisions shall have effect :—

(1) In this section " the council " means the London County Council and " electric inspector " means an electric inspector appointed under this section :

(2) The council may appoint and keep appointed one or more competent and impartial persons to be electric inspectors in London under this Act :

(3) If no electric inspector is appointed by the council the Electricity Commissioners on the application of any consumer or of the Company

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may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors in London under this Act :

(4) The duties of an electric inspector shall be as follows :—

(*a*) The inspection and testing periodically and in special cases of the Company's electric lines and works used or required for the supply of electricity given by them in London ;

(*b*) The certifying and examination of meters ; and

(*c*) Such other duties in relation to the Company's undertaking as may be required of him under the provisions of this Act or of any regulations made for that purpose by the Electricity Commissioners :

(5) The council with the approval of the Electricity Commissioners or the Electricity Commissioners 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 and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the council or the Electricity Commissioners as the case may be :

(6) The council may pay to any electric inspector appointed by them 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 Electricity Commissioners as aforesaid according as the council shall determine :

(7) An electric inspector if and when required to do so by any consumer shall on payment by such consumer of such fee as may be prescribed by the Electricity Commissioners test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the

Company upon the consumer's premises as may be necessary for the purpose of determining whether the Company have complied with the provisions of this Act and any regulations for that purpose made by the Electricity Commissioners:

(8) Any electric inspector shall have the right to have access at all reasonable hours to the testing stations and premises of the Company for the purpose of testing the electric lines and instruments of the Company and ascertaining if the same are in order and if the same are not in order he may require the Company forthwith to have them put in order:

(9) Save as otherwise provided by this section or by regulations for that purpose made by the Electricity Commissioners all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Electricity Commissioners and shall be paid by the Company:

Provided that where the report of such electric inspector or the decision of the Electricity Commissioners shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Electricity Commissioners having regard to such report or decision shall direct and may be recovered summarily as a civil debt:

Provided also that in any proceedings for penalties under this section any such fees and expenses incurred in connection with such proceedings shall be payable by the complainant or defendant as the court may direct.

Provisions as to supply of electricity by agreement.

93.—(1) A consumer (other than authorised undertakers) supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply electricity within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the

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provisions of that section shall apply to the supply afforded by the Company under such agreement unless the provisions of that section are expressly excluded from application in the agreement and if the Company fail to supply electricity to such consumer they shall not be liable for any damages occasioned to the consumer by reason of such failure unless the failure is caused by or in consequence of the wilful neglect or default of the Company.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Company under the terms of any agreement existing on the second day of July nineteen hundred and twenty of any right to which he would be entitled but for those provisions.

Power to contract for execution of electrical works.

94. The Company may notwithstanding anything in this Act enter into and carry into effect agreements with any local authority company or person who may have obtained or may obtain a licence Order or special Act for the supply of electricity to any district within the limits of supply for the time being of the Company for the execution and maintenance of any works needed for the purposes of such supply or for the supply of electricity within any area mentioned in such licence Order or special Act or any part of such area and may apply their funds to the purposes of any such agreement.

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

95.—(1) In this section the word "consumer" means any company body or person having an agreement with the Company for the supply of electricity or to whom electricity is supplied by the Company and the word "contractor" means any company body or person who has by contract with the Company 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 Company have agreed to give or are giving a supply of electricity 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 Company 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.

Power to refuse to supply electricity in certain cases.

96. The Company may refuse to supply electricity to any person from whom any payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bonâ fide dispute) whether the payment be due to the Company in respect of the premises for which a supply is demanded or in respect of other premises.

Period of notice to discontinue supply.

97. Any person within the general supply area (other than authorised undertakers) supplied with electricity by the Company who is desirous of discontinuing to receive such supply shall give to the Company twelve months' notice in writing of his intention to discontinue to receive such supply The notice shall be given so as to expire at the end of the period for which the person has contracted to continue to receive and pay for such supply or at any subsequent date.

Form of notice to discontinus supply.

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

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

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Power to recover charge for reconnection.

99. Any expenses reasonably incurred by the Company in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Company in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

As to notices under section 16 of schedule to Act of 1899.

100. A notice served upon the Company under section 16 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be of no effect unless it be served within the period prescribed by this section (that is to say):—

In the case of a notice stating that the givers of the notice desire to exercise or discharge all or any part of the powers or duties of the undertakers within one month from the service by the undertakers of the notice prescribed by section 14 or section 15 of the said schedule as the case may be; and

In the case of a notice amending or revoking any such first-mentioned notice within fourteen days from the service of such first-mentioned notice.

Entry upon premises Penalty for obstruction.

101. Any person who shall hinder an officer appointed by the Company 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 Company or their officers are entitled to enter in pursuance of section 24 of the Electric Lighting Act 1882 are unoccupied the Company or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Company 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 and penalties.

102. All charges rents and sums payable to the Company and all penalties under any Acts or Orders confirmed or approved by Parliament relating to the

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

Recovery of demands in county court.

103. Proceedings for the recovery of any demand made under the authority of this Act or any subsequent Act relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Costs of Act.

104. 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 Company.

PART IX.

PROTECTIVE PROVISIONS.

For protection of Commissioners of Works.

105. The Company shall not except with the approval of the Commissioners of Works erect any generating station or take a supply of electricity from any generating station situate in the London postal district unless the site for such generating station is specified in an Act of Parliament or 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 electricity or to any station which may have been in existence and which shall not be extended beyond the limits of the site occupied by the buildings of such station on the second day of August nineteen hundred and seven.

For protection of Bedfordshire County Council.

106. With reference to any main roads in the county of Bedford which the Company are authorised to enter upon or break up under the powers of this Act the following provisions shall unless otherwise agreed between the Bedfordshire County Council (in this section called "the council") and the Company have effect:—

(1) Nothing in this Act shall take away or abridge any power of the council to repair open or break up any road along or across which any pipe wire cable or main of the Company is laid or

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any other power vested in the council for any of the purposes for which the council is constituted but before commencing any work pursuant to such powers whereby any pipe wire cable or main of the Company will be interfered with the council shall (except in emergency when no notice shall be necessary) give the Company notice of their intention to commence such work specifying the time at which they will begin to do so (such notice to be given three days at least before the commencement of the work) and shall always complete such work with all reasonable expedition and cause as little damage or inconvenience to the Company as circumstances admit:

(2) The council shall not be liable to pay to the Company any compensation for injury done to any pipe wire cable or main of the Company by the execution of such work or for loss occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid:

(3) The council shall not execute the work so far as it immediately affects any pipe wire cable or main of the Company except under the superintendence of the Company unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and they shall execute such work at their own expense and to the reasonable satisfaction of the Company Provided that any additional expense imposed upon the council by reason of the existence of any pipe wire cable or main of the Company in any road or place shall be borne by the Company:

(4) Any difference which may arise between the council and the Company shall be referred to and determined by a single arbitrator who in default of agreement shall be appointed on the application of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

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For protection of Hertfordshire County Council and local authorities.

107. For the protection of the Hertfordshire County Council (in this section called "the council" which expression where used in subsections (1) (2) (3) and (5) of this section shall include the council of any borough or urban or rural district which is situate in Hertfordshire and in the limits of supply) the following provisions shall unless otherwise agreed between the Company and the council have effect:—

(1) Nothing in this Act or in the Orders mentioned in subsection (8) of this section shall take away or abridge any power to repair open or break up any road along or across which any pipe wire cable or main of the Company is laid or any other power vested in the council for any of the purposes for which the council is constituted but before commencing any work pursuant to such powers whereby any pipe wire cable or main will be interfered with the council shall (except in emergency when no notice shall be necessary) give to the Company notice of their intention to commence such work specifying the time at which they will begin to do so (such notice to be given three days at least before the commencement of the work) and shall always complete such work with all reasonable expedition and cause as little damage or inconvenience to the Company as circumstances admit:

(2) The council shall not be liable to pay to the Company any compensation for injury done to any pipe wire cable or main of the Company by the execution of such works or for loss occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid:

(3) The council shall not execute any such work so far as it immediately affects any pipe wire cable or main of the Company except under the superintendence of the Company unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and the council shall execute such work at their own expense and to the reasonable satisfaction of the Company Provided that any additional expense

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imposed upon the council by reason of the existence of any pipe wire cable or main of the Company in any road or place shall be borne by the Company:

(4) The Company shall at the same time as they give notice to the local authority under paragraph (*a*) of section 14 (1) of the schedule to the Electric Lighting (Clauses) Act 1899 deliver to the council a copy of such notice together with a copy of the plan referred to in that paragraph and if the local authority make any objection or requisition in respect of any such notice the Company shall within seven days after receipt thereof and before commencing any of the works to which such objection or requisition relates deliver to the council a copy of the objection or requisition:

(5) Any difference which may arise between the Company and the council under the foregoing provisions of this section shall be determined by arbitration:

(6) No electric line shall be placed by the Company above ground along or across or on the side of any main road or any bridge or approach repairable by the council without the consent in writing of the council under the hand of their clerk unless the Minister consents to the placing of such electric line above ground and the Minister before giving his consent shall give the council an opportunity of being heard:

(7) The Company shall keep separate accounts in respect of each of the undertakings mentioned in subsection (8) of this section which accounts shall be kept in such manner as may from time to time be prescribed by the Minister under the Electric Lighting Act 1882 or any Act amending the same for undertakers other than local authorities and shall be examined and audited in manner provided by section 6 of the schedule to the Electric Lighting (Clauses) Act 1899 or any Act amending the section:

(8) The Orders and undertakings respectively referred to in subsections (1) and (7) of this section are (i) the undertaking authorised by the

Hertford Electric Lighting Order 1891 (ii) the undertaking authorised by the Barnet Electric Lighting Order 1905 as extended by the Barnet Electric Lighting (Extension) Order 1913 and (iii) the undertaking authorised by the St. Alban Electric Lighting Order 1898 as extended by the St. Albans Rural Electric Lighting Order 1905.

For protection of London County Council.

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

(2) In connection with the exercise of powers by the Company in London the council shall for the purpose of section 63 (As to routes for electric lines) of this Act and section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 have in addition to any powers rights and privileges possessed by them under the last-mentioned Act all the rights powers and privileges of a metropolitan borough council being a local authority for the purpose of the said sections and shall be deemed to be a body entitled to give notice under section 16 of the said schedule and to exercise the rights and privileges of such body under that section in respect of any sewer subway tramway property or work vested in the council.

(3) The council in respect of any tramway 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 the said schedule Provided that the council shall be entitled to fourteen days' notice instead of three days' notice as therein provided.

(4) So far as concerns the electric lines of the Company in London the council shall have the same rights powers and privileges as the Postmaster-General under section 64 (Map of electric lines to be made and deposited) of this Act.

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(5) All additional capital expenditure at any time hereafter reasonably incurred by the council in repairing renewing or 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 or constructing their authorised tramways in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in any street or bridge in 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 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 Minister on the application of either party.

(6) Where the Company desire to lay or may be required to lay any electric line in any street in London under the surface of which there is a subway vested in the council and the council serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament no powers conferred upon the Company with respect to the breaking up of and interfering with streets shall be exercised by the Company as to any such street 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 council shall direct or approve.

Where any electric line of the Company shall be so laid under the provisions of this subsection the Company shall pay to the council such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration Provided that the Company shall have access to the subway at all such reasonable times and subject to such conditions as may be settled in like manner.

For protection of Middlesex

109.—(1) Nothing in this Act shall take away or abridge any power to repair open or break up any road along or across which any pipe wire cable or main of the

Company is laid or any other power vested in the Middlesex County Council (in this section called "the council") for any of the purposes for which the council is constituted but in the exercise of such power the council shall be subject to the following restrictions:—

(i) They shall cause as little detriment or inconvenience to the Company as circumstances admit;

(ii) Before they commence any work whereby any pipe wire cable or main of the Company will be interfered with they shall (except in emergency when no notice shall be necessary) give the Company notice of their intention to commence such work specifying the time at which they will begin to do so such notice to be given three days at least before the commencement of the work;

(iii) They shall not be liable to pay to the Company any compensation for injury done to any pipes wires cables or mains by the execution of such works or for loss occasioned thereby or for the reasonable exercise of the powers so vested in them as aforesaid;

(iv) The council shall always complete such work with all reasonable expedition;

(v) The council shall not execute such work so far as it immediately affects any pipe wire cable or main except under the superintendence of the Company unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and they shall execute such work at their own expense and to the reasonable satisfaction of the Company Provided that any additional expense imposed upon the council by reason of the existence of any pipes wires cables or electric mains in any road or place where any such pipes mains wires tubes or apparatus shall have been laid before such pipes wires cables or electric mains were so laid shall be borne by the Company:

(2) All distributing mains laid down by the Company under the powers of subsection (3) of section 68 (Principal

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powers of supply) of this Act under or along any road vested in the council shall so far as reasonably practicable be laid only under or along the footpaths of the road.

(3) The Company shall at the same time as they give notice to the local authority under subsection (1) (*a*) of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 deliver to the council a copy of such notice together with a copy of the plan referred to in that subsection and if the local authority make any objection or requisition in respect of any such notice the Company shall within seven days after receipt thereof and before commencing any of the works to which such objection or requisition relates deliver to the council a copy of such objection or requisition.

(4) The word "tramway" in section 16 of the schedule to the Electric Lighting (Clauses) Act 1899 shall for the purposes of this Act be deemed to include all such light railways as may from time to time belong to or be vested in the council.

(5) Any difference which may arise between the Company and the council under this section shall be determined by arbitration.

For protection of Hackney Borough Council.

110. Nothing in subsection (3) of section 76 (Additional powers of supply) of this Act shall authorise the Company directly or indirectly to supply electricity for use within the metropolitan borough of Hackney for lighting purposes.

For protection of St. Marylebone Borough Council.

111. If any question arises under subsection (1) of section 69 (General limitations on powers of supply) of this Act as to whether the council of the metropolitan borough of St. Marylebone are willing and in a position to give any requisite supply on reasonable terms and within a reasonable time the Minister shall have regard to all the circumstances of the case including the capital expenditure incurred by the said council in connection with their electrical undertaking and all charges in respect thereof and the terms on which and the time within which the Company are willing and in a position to give the supply.

For protection of St. Pancras

112. The electricity supplied by the Company to any company body or person owning or working any tube railway existing on the twenty-fifth day of May

nineteen hundred and nine shall not be used for lighting purposes within the metropolitan borough of St. Pancras except with the consent of the council of that borough under their common seal. Borough Council.

113. The Company shall not exercise any of the powers of subsections (1) and (2) of section 68 (Principal powers of supply) of this Act within the borough of Hornsey except with the consent of the corporation of that borough under their corporate seal but nothing in this section shall prevent the Company from laying mains through the borough to any other borough or district in accordance with the provisions of this Act. For protection of Hornsey Corporation.

114. Nothing in this or in any other Act or Order relating to the Company shall prevent the mayor aldermen and burgesses of the borough of Luton as the undertakers under their present or any future powers from laying a transmission main or mains for the purpose of affording a supply of electricity in bulk in the urban district of Hitchin. For protection of Luton Corporation.

115.—(1) For the purpose of subsection (1) of section 69 (General limitations on powers of supply) of this Act the parish of Aldenham shall be deemed to have been on the twenty-fifth day of May nineteen hundred and nine part of the area of supply of the mayor aldermen and burgesses of the borough of Watford (hereinafter referred to as "the Watford Corporation") as authorised distributors within the meaning of that subsection. For protection of Watford Corporation.

(2) In addition to any other provision enuring for the protection of the Watford Corporation contained in or made applicable by the provisions of this Act the provisions of subsections (1) (2) (3) and (5) of section 107 (For protection of Hertfordshire County Council and local authorities) of this Act shall extend and apply in relation to any electric line or other work of the Company in the parish of Aldenham already laid down placed or erected under the powers of the Act of 1920 or to be laid down placed or erected under the powers of section 67 (Further power to lay mains outside limits of supply) of this Act as if the expression "the council" in those subsections meant the Watford Corporation.

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For protection of West Ham Corporation.

116. Notwithstanding anything in this Act the Company shall not under the powers of this Act or of any Order vested in the Company on the first day of July nineteen hundred and twenty-five supply electricity within or for use within the county borough of West Ham without the previous consent of the mayor aldermen and burgesses of that county borough under their corporate seal for any purpose other than to any company body or person owning or working any railway tramway tramroad canal or navigation situate partly within the limits of supply for the purposes of haulage or traction and for lighting vehicles or boats drawn by such haulage or traction.

For protection of Finchley Urban District Council.

117. The Company shall not except with the consent of the Finchley Urban District Council under their common seal supply electricity within the urban district of Finchley under any of the powers of this Act otherwise than in bulk under section 68 (Principal powers of supply) of this Act—

(*a*) to any lighting authority or authorised distributors for use by them for any prescribed purposes within the limits of supply or on their own premises; or

(*b*) to any authorised users for use by them for any prescribed purposes within the limits of supply or on their own premises.

For protection of Hendon Urban District Council.

118. The provisions of subsection (4) of section 68 (Principal powers of supply) of this Act shall not except with the consent of the Hendon Urban District Council under their common seal be deemed to apply to the urban district of Hendon nor shall the Company except with such consent supply electricity within that district otherwise than under the powers of subsections (1) and (2) of the said section of this Act or of section 76 (Additional powers of supply) or section 77 (Agreements with adjoining authorised distributors) of this Act.

For protection of Walthamstow Urban District Council.

119. The Company shall not exercise any of the powers of this Act within the urban district of Walthamstow (except with the consent of the council of that district under their common seal) other than the powers of section 62 (Acquisition of generating stations &c. by agreement) or section 77 (Agreements with adjoining

authorised distributors) or of subsection (3) of section 76 (Additional powers of supply) of this Act. A.D. 1928.

For protection of Willesden Urban District Council.

120. For the protection of the Willesden Urban District Council (in this section called "the council") the following provisions shall notwithstanding anything in this Act have effect unless otherwise agreed in writing between the council and the Company:—

(1) Nothing in section 78 (As to agreements for supply of electricity) or section 94 (Power to contract for execution of electrical works) or in subsection (3) of section 76 (Additional powers of supply) of this Act shall authorise the Company to execute any works or lay down maintain renew or use any mains cables lines wires tubes boxes or apparatus in or open break up or otherwise interfere with any street road or place within the urban district of Willesden:

(2) Nothing in the said sections and subsection of this Act shall authorise the Company to supply electricity 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 except only in bulk for the purposes of traction in respect of an undertaking situate partly within and partly without such district:

(3) Nothing in subsection (3) of section 68 (Principal powers of supply) of this Act shall authorise the Company to supply electricity to any company body or person in the urban district of Willesden or to any company body or person for use within that urban district.

Saving purchase rights of local authorities.

121. The vesting in the Company of the undertakings respectively authorised by the Orders mentioned in Part III of the First Schedule to this Act effected by the Act of 1922 and the repeal of that Act by this Act shall not nor shall the provision of subsection (2) of section 3 (Application of Electricity (Supply) Acts) of this Act take away or diminish any right from time to time belonging to the local authority of purchasing the undertaking or any part of the undertaking authorised by any such Order including any lands buildings works materials and plant of the Company suitable to and used by them as part of the undertaking authorised by the Order.

For protection of Bishop's Stortford Harlow and Epping Gas and Electricity Company.

122. The Company shall not supply electricity under the powers of subsection (4) of section 68 (Principal powers of supply) of this Act or for public street lighting within the limits in which the Bishop's Stortford Harlow and Epping Gas and Electricity Company were on the first day of July nineteen hundred and twenty-five authorised to supply electricity except with the consent of that Company.

For protection of Charing Cross West End and City Electricity Supply Company Limited.

123. Except with the consent in writing of the Charing Cross West End and City Electricity Supply Company Limited section 77 (Agreements with adjoining authorised distributors) of this Act shall not authorise the Company to make any agreement for the supply of electricity to any local authority company or person for use or distribution in any area or district in which the Charing Cross West End and City Electricity Supply Company Limited have power for the time being under any Act or Order to supply or sell electricity.

For protection of Metropolitan Electric Supply Company Limited.

124.—(1) Nothing in section 62 (Acquisition of generating stations &c. by agreement) of this Act shall authorise the Company except with the consent in writing of the Metropolitan Company to acquire any part of any undertaking situate within the Metropolitan Company's district.

(2) Nothing in section 77 (Agreements with adjoining authorised distributors) of this Act shall authorise the Company except with the consent in writing of the Metropolitan Company to make any agreement for the supply of electricity to any local authority company or person for use or distribution in any area or district in which the Metropolitan Company have power for the time being under any Act or Order to supply or sell electricity.

(3) Nothing in section 85 (Transfer of undertakings to Company) of this Act shall authorise the Company except with the consent in writing of the Metropolitan Company to make any agreement for the transfer to the Company of any part of any undertaking which is situate within the Metropolitan Company's district or within the metropolitan boroughs of Hampstead Marylebone or Fulham.

(4) In this section "the Metropolitan Company" means the Metropolitan Electric Supply Company Limited and "the Metropolitan Company's district"

means 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. A.D. 1928.

For protection of certain authorised distributors.

125. Notwithstanding anything in this Act the Company shall not supply electricity under subsection (4) of section 68 (Principal powers of supply) of this Act—

(*a*) In the urban district of Harrow-on-the-Hill without the consent in writing of the Harrow Electric Light and Power Company Limited previously obtained;

(*b*) In the urban district of Hendon without the consent in writing of the Hendon Electric Supply Company Limited under their common seal previously obtained;

(*c*) In the urban district of Baldock or the parish of Willian in the rural district of Hitchin or in so much of the parish of Radwell in the said rural district as lies to the west of the Great North Road without the consent in writing of the First Garden City Limited previously obtained.

For protection of Lee Conservancy Board.

126. Nothing in section 61 (Generating stations) of this Act so far as it relates to the lands (*a*) described in the Third Schedule to this Act and nothing in this Act so far as it relates to the supply of electricity under subsections (1) and (2) of section 68 (Principal powers of supply) of this Act shall authorise the Company to interfere in any way with the River Lee Navigation or the towing-paths or banks thereof or to construct or place any lay-bye wharf or quay on the said navigation except subject to and in accordance with the provisions of the Lee Conservancy Acts and any Act amending or extending the same and any byelaws lawfully made thereunder or shall alter or diminish any powers authority or jurisdiction which the Lee Conservancy Board might prior to the sixth day of August nineteen hundred lawfully claim or exercise.

For protection of Metropolitan Water Board.

127. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed between the Company and the board have effect :—

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(1) Where the Company require to dig or sink any trench for laying down or constructing any main pipe tube work or apparatus under the powers of this Act within six feet of any main pipe work or apparatus (in this section referred to as "apparatus") of the board they shall except in case of emergency seven days before commencing the works deliver to the board plans thereof and if it shall appear to the board that the works will interfere with or endanger or prevent proper access to such apparatus or impede the supply of water by means thereof the board may within seven days after the receipt of such plans give notice to the Company to lower or otherwise alter the position of or to support or lay or place cement concrete under such apparatus (in this section referred to as "protective works") in such manner as may be necessary for protecting the apparatus from injury and any difference as to the necessity for the protective works shall be settled by arbitration:

(2) If the Company shall not dispute such necessity or if the arbitrator determine that the protective works are necessary they shall subject as hereinafter provided be executed in accordance with the requirement of the board or the decision of the arbitrator as the case may be:

(3) If the board at the time of giving such notice as aforesaid to the Company express their desire themselves to execute any protective works which may be agreed or decided to be necessary as the case may be they may by their own engineer and workmen execute the work and in that event shall do so with all reasonable dispatch and the Company shall on the completion thereof pay to the board the reasonable expenses incurred by them in the execution Provided that if the board fail to execute the protective works with all reasonable dispatch after request in writing from the Company so to do the works may notwithstanding such notice be executed by the Company:

(4) If any interruption in the supply of water by the board shall without their written authority be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the board for the use and benefit of the board a sum not exceeding twenty pounds for every day during which the interruption shall continue :

(5) The expense of all repairs or renewals of any apparatus of the board or of any works in connection therewith which may be rendered necessary by reason of any subsidence resulting from the works of the Company whether during the construction of the works or within twelve months from the completion thereof shall be borne and paid by the Company :

(6) If any difference shall arise under this section between the Company and the board the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

For protection of London and North Eastern and London Midland and Scottish Railway Companies.

128.—(1) If having regard to the proposed position of any electric lines of the Company in relation to the position of the works of the London and North Eastern Railway Company or the London Midland and Scottish Railway Company (each of whom is hereinafter referred to as "the railway company") at any point where electric lines of the Company will be constructed over or under any railway of the railway company it is advisable in order to avoid danger from wires works or operations of the Company that any electric telegraphic telephonic or signal wires or apparatus of the railway company or any electrical works or apparatus for traction purposes of the railway company should be altered the railway company may execute any works reasonably necessary for such alteration and the reasonable expense of executing those works shall be borne by the Company.

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(2) Any difference between the Company and the railway company arising under subsection (1) of this section shall be referred to an arbitrator to be appointed failing agreement by the Minister on the application of either party after notice to the other.

(3) The Company shall give to the railway company fourteen days' notice in writing of any application to be made by the Company to the Minister under section 10 (*b*) of the schedule to the Electric Lighting (Clauses) Act 1899 or under section 21 of the Electricity (Supply) Act 1919 for the consent of the Minister to the placing of any electric lines above ground over any street or over or under any bridge owned or repairable by the railway company.

(4) For the protection of any wire or line of the railway company used for the purpose of electric traction on a railway of the railway company section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the constructing laying down placing or working in the urban districts of Baldock Bishop's Stortford Hitchin Royston Sawbridgeworth or Stevenage or in the rural districts of Ashwell Buntingford Hadham or Hitchin of any electric lines or other works of the Company on under or over any lands or property of the railway company in like manner as that section applies for the protection of electric signalling communication.

(5) The Company shall not except with the previous consent in writing of the railway company exercise the powers of section 87 (Laying mains in private streets) of this Act with respect to any street belonging to or forming the approach to any station or depôt of the railway company but such consent shall not be unreasonably withheld and any dispute as to whether any such consent is unreasonably withheld shall be determined by arbitration.

For protection of Great Western Railway Company.

129. The Company shall not without the previous consent in writing of the Great Western Railway Company exercise the powers of section 87 (Laying mains in private streets) of this Act with respect to any street belonging to or forming the approach to any station or depôt of the said railway company but such consent shall not be unreasonably withheld and any dispute as to whether any such consent is unreasonably withheld shall be determined by arbitration.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Part I.

Former Acts of the Company.

North Metropolitan Electric Power Supply Act 1900.
North Metropolitan Electric Power Supply Act 1902.
North Metropolitan Electric Power Supply Act 1903.
North Metropolitan Electric Power Supply Act 1905.
North Metropolitan Electric Power Supply Act 1907.
North Metropolitan Electric Power Supply Act 1909.
North Metropolitan Electric Power Supply Act 1914.
North Metropolitan Electric Power Supply Act 1920.
North Metropolitan Electric Power Supply Act 1922.
North Metropolitan Electric Power Supply Act 1925.
North Metropolitan Electric Power Supply Act 1927.

Part II.

Orders acquired by the Company by Deeds of Transfer.

Title.	Date of Transfer to Company.
Edmonton Electric Lighting Order 1902 -	24 July 1906.
Kingsbury Electric Lighting Order 1905 -	25 June 1906.
Southgate Urban District Electric Lighting Order 1904.	2 August 1910.
Stevenage and District Electricity Special Order 1924.	28 November 1927.
Tottenham Urban District Electric Lighting Order 1902.	15 January 1907.

Part III.

Orders Vested in the Company by Act of 1922.

Barnet Electric Lighting Order 1905.
Barnet Electric Lighting (Extension) Order 1913.
Enfield Electric Lighting Order 1902.
Hertford Electric Lighting Order 1891.
St. Alban Electric Lighting Order 1898.
St. Albans Rural Electric Lighting Order 1905.
St. Albans and District Electric Lighting Order 1907.

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SECOND SCHEDULE.

LIMITS OF SUPPLY.

PART I.

(Bulk supplies.)

County of London—
The metropolitan borough of Stoke Newington.

County of Middlesex—
The borough of Hornsey and the urban district of Finchley.

County of Essex—
The urban district of Walthamstow.

PART II.

SPECIAL AREA.

(Bulk and Power supplies.)

County of Middlesex—
The urban districts of Edmonton Enfield Southgate Tottenham and Wood Green.

PART III.

GENERAL SUPPLY AREA.

(Bulk Power and Lighting supplies.)

County of Middlesex—
The urban districts of Friern Barnet Harrow-on-the-Hill Hendon Kingsbury Wealdstone and Wembley.
The rural districts of Hendon and South Mimms.

County of Hertford—
The boroughs of Hertford and St. Albans.
The urban districts of Baldock Barnet Bishop's Stortford Cheshunt East Barnet Valley Harpenden Hitchin Hoddesdon Royston Sawbridgeworth Stevenage Ware and Welwyn Garden City.
The rural districts of Ashwell Barnet Buntingford Hatfield Hadham Hertford Hitchin St. Albans Ware and Welwyn.

County of Essex—
The urban districts of Chingford and Waltham Holy Cross.

As such metropolitan borough boroughs urban districts and rural districts were respectively constituted on the first day of June nineteen hundred and twenty-eight.

THIRD SCHEDULE.

(Section 61.)

AUTHORISED SITES FOR GENERATING STATIONS.

(*a*) Lands in the parish of Saint John Urban in the borough of Hertford bounded on the north-west by the towing-path of the River Lee Navigation and having a frontage thereto of 110 feet or thereabouts and on the south by the new road leading from Gashouse Lane to Mead Lane on the north side of the London and North Eastern Railway (Great Northern line) and having a frontage of 110 feet or thereabouts and which lands are situate at a distance of about 107 yards from Mead Lane measured along the said towing-path and about 117 yards measured along the said new road.

(*b*) Lands in the urban district of Willesden containing 143,016 square feet or thereabouts situate in or near Taylor's Lane Harlesden and bounded on the east side thereof by the Midland and South Western Junction Railway and on the north side thereof by Gibbons Road and on the west and south-west sides thereof by land now or formerly belonging or reputed to belong to Frederick Gibbons and on the south-east side thereof partly by Selwyn Road and partly by land forming the garden of No. 44 Selwyn Road.

(*c*) Lands in the urban district of Enfield upon which the Brimsdown generating station of the Company is situate containing eight acres or thereabouts and bounded on or towards the east by the River Lee Navigation on or towards the south by Millmarsh Lane on or towards the west by lands now or formerly belonging to Trinity College Cambridge and on or towards the north by the lands (*e*) hereinafter described and measuring on the eastern side thereof 725 feet or thereabouts on the southern side 627 feet 6 inches or thereabouts on the western side 506 feet or thereabouts and on the northern side 548 feet 6 inches or thereabouts.

(*d*) A plot of land in the borough of St. Albans containing 44,000 square feet or thereabouts and on a portion of which the St. Albans generating station of the Company is situate and which land forms part of a field or close known as "The Campfields" and is bounded on the north or north-west by an occupation road leading out of Campfields Road on the east or north-east by the factory now or formerly occupied by the Engineering and Arc Lamps Limited on the south or south-east and west or south-west by land now or formerly belonging or reputed to belong to the Salvation Army and the Salvation Army Assurance Society Limited.

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(*e*) A plot of land in the urban district of Enfield containing 36 acres or thereabouts situate on the west side of the River Lee Navigation and comprising parts of the enclosures numbered 707 and 1421 on the Ordnance map (scale $\frac{1}{2500}$) Middlesex sheet VII—4 (edition of 1913) and Middlesex sheet VIII—1 (edition of 1920) which plot of land is bounded on the east by the River Lee Navigation on the south by the lands (*c*) above described and a line drawn from the north-western corner of that property in a west-north-west direction on the west by the public footpath or cart track leading across the said enclosures to the Enfield Small Arms Factory on the north-west by the siding leading from the London and Bishop's Stortford railway of the London and North Eastern Railway Company to the said Small Arms Factory and on the north-east by the north-eastern boundary of the said enclosure numbered 707.

FOURTH SCHEDULE.

(Sections 80 81 and 89.)

MAXIMUM PRICES.

PART I.

PRICES FOR BULK SUPPLIES AND POWER PURPOSES.

(*a*) For any quantity of electricity not exceeding the equivalent of 100 hours of supply at the maximum demand in any quarter the rate of 4*d*. per unit.

(*b*) For any further quantity of electricity in such quarter in excess of the equivalent of 100 hours of supply at such maximum demand the rate of 2*d*. per unit.

PART II.

PRICES FOR LIGHTING PURPOSES (GENERAL SUPPLY AREA).

(1) The urban districts of Baldock Bishop's Stortford Hitchin Royston Sawbridgeworth Stevenage Waltham Holy Cross and Welwyn Garden City;

The rural districts of Ashwell Barnet Buntingford Hadham Hertford Hitchin South Mimms St. Albans and Welwyn.

(i) In respect of the quarters ending 31st March and 31st December for any amount up to fifteen units 12*s*. 6*d*. and for each unit over fifteen units 10*d*.

(ii) In respect of the quarters ending 30th June and 30th September for any amount up to ten units 8*s*. 4*d*. and for each unit over ten units 10*d*.

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(2) Any borough district or parish with respect to which maximum prices for lighting purposes shall have been prescribed by an order of the Minister made prior to the passing of this Act under the powers of the former Acts or any Act incorporated with those Acts—

The respective maximum prices so authorised with respect to such respective boroughs districts and parishes.

(3) Any part of the general supply area not included in paragraph (1) or paragraph (2) of Part II of this schedule—

In respect of any quarter for any amount up to twenty units 11*s.* 8*d.* and for each unit over twenty units 7*d.*

MEMORANDUM.

1. In this schedule "unit" means the energy contained in a current of one thousand amperes flowing under an electromotive force of one volt during one hour.

2. The prices set forth or referred to in this schedule are the prices which the Company shall be entitled to charge where the consumer is charged according to the actual amount of electricity supplied to him.

3. Where the Company charge a consumer by the electrical quantity contained in the supply given to him they shall also be entitled to charge him according to the prices so set forth or referred to and the amount of energy supplied to the consumer shall be taken to be the product of that 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 or the Acts incorporated with this Act.

FIFTH SCHEDULE.

(Section 6.)

SAVINGS FROM EFFECT OF REPEAL OF FORMER ACTS.

(*a*) All lands generating stations buildings works rights and easements which immediately before the passing of this Act were lawfully vested in the Company or in any person on their behalf or to which the Company were in anywise entitled and all electric lines mains pipes standards meters boxes and other apparatus and all stocks in hand stores coal and other materials and all moneys securities credits and effects and all other property and things whatsoever which immediately before the passing of this

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Act belonged to the Company or to any person on their behalf and the benefit of all contracts and engagements entered into by or on behalf of the Company and immediately before the passing of this Act in force shall continue to be vested in and the property of the Company or any such person as aforesaid on their behalf to the same extent and for the same purpose and interest and subject to the same covenants restrictions or conditions (if any) as the same were immediately before the passing of this Act vested in or held or enjoyed by the Company or any person on their behalf and may (subject to the provisions of this Act) be held and enjoyed maintained altered discontinued removed and dealt with sued for and recovered by the Company accordingly.

(*b*) All shares stock mortgages debentures debenture stock bonds notes and securities created issued or granted by the Company prior to the passing of this Act shall remain valid in all respects and continue to be held by the persons who immediately before the passing of this Act were the holders thereof according to the registers of the Company on and subject to the same terms conditions trusts declarations agreements charges liens and encumbrances in all respects as if the former Acts had not been repealed.

(*c*) All certificates or deeds for and all sales transfers and dispositions made or executed before the passing of this Act for and with respect to any share stock mortgage debenture debenture stock bond note or security of the Company shall remain in full force and continue and be available in all respects as if the former Acts had not been repealed.

(*d*) All registers of or of transfers of shares stock mortgages debentures debenture stock bonds notes or securities and the shareholders' address book and all minute books and other books documents and writings whatsoever of or relating to the Company or the directors of the Company shall continue valid in all respects as if the former Acts had not been repealed.

(*e*) All directors officers auditors and servants of the Company who held office or were in the employ of the Company immediately before the passing of this Act shall continue to hold office or be in the employ of the Company on the same terms and conditions in all respects as if the former Acts had not been repealed.

(*f*) All purchases sales conveyances grants assurances deeds contracts and agreements entered into or made before the passing of this Act by to or with the Company or any trustee or person acting on behalf of the Company or by to or with any other person to whose rights and liabilities the Company have succeeded and in force immediately before the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of the Company and may be enforced as fully and effectually as if the former Acts had not been repealed.

(*g*) The repeal of the former Acts shall not in any way release discharge or suspend any action suit or other proceeding which was pending by or against the Company or any member thereof in relation to the affairs of the Company or to which the Company or any member thereof in relation to such affairs were parties immediately before the passing of this Act and every such action suit or other proceeding may be maintained prosecuted or continued by or in favour of or against the Company or any member thereof (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained prosecuted or continued by or in favour of or against the Company or any member thereof if the former Acts had not been repealed.

(*h*) All rules and regulations made by the Company and in force immediately before the passing of this Act shall continue in force in like manner and to the like extent as if the former Acts had not been repealed.

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