CHAPTER ccxiv.

An Act for incorporating and conferring powers on the Somerset and District Electric Power Company. A.D. 1903.

[11th August 1903.]

WHEREAS the erection of generating stations and works as herein-after provided and the supply of electricity within the area of supply herein-after defined would be of public and local advantage:

And whereas the persons in this Act named with others are willing at their own expense to construct such generating stations and works and to supply electricity within such area under the powers and subject to the conditions herein-after contained and it is expedient that they be incorporated into a company for the purposes herein-after mentioned (in this Act called "the Company") and that the powers herein-after contained be conferred on them:

And whereas plans and a section showing the situation and lines of the proposed work and plans showing the lands which may be taken or used compulsorily or by agreement under the powers of this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the respective clerks of the peace for the counties of Somerset and Gloucester and are herein-after referred to as the deposited plans and book of reference:

And whereas the aforesaid objects cannot be attained 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

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and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Somerset and District Electric Power Act 1903.

Application of Electric Lighting Acts.

2. The provisions of the Electric Lighting Act 1888 and the schedule to the Electric Lighting (Clauses) Act 1899 which are contained in the sections thereof herein-after mentioned shall not apply to the Company or their undertaking anything in either of the said Acts to the contrary notwithstanding (that is to say):—

Sections 2 and 3 of the Electric Lighting Act 1888 and section 2 subsection (2) and sections 3 5 7 8 9 21 to 29 30 (so far as regards a supply to authorised undertakers) 31 to 35 41 48 60 63 to 68 75 78 83 and 84 of the schedule to the Electric Lighting (Clauses) Act 1899 and section 81 of the said schedule shall not apply to any generating station or works erected on any of the lands described in the First Schedule to this Act:

But except as aforesaid the provisions of the said Act of 1888 and the said schedule and the provisions of the Electric Lighting Act 1882 are incorporated with and form part of this Act.

The provisions of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the laying down and placing under this Act of any cables or other works in through under along or across the bed and foreshore of any river.

Incorporation of general Acts.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 Part I. (Cancellation and surrender of shares) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

The Lands Clauses Acts.

Interpretation.

4. In this Act unless the context otherwise requires the several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something to the contrary contained therein:

Provided that for the purposes of this Act the expression "electric supply company" in section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall include

any local authority supplying or using electrical energy for any purpose:

In this Act—

The expression "the undertaking" means the undertaking by this Act authorised;

The expression "the Company" means the Company incorporated by this Act who shall for the purposes of this Act be the undertakers within the meaning of the Electric Lighting Act 1882 and the Electric Lighting (Clauses) Act 1899;

The expression "the principal Acts" means the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899;

The expressions "county council" and "local authority" mean with respect to each part of the area of supply the county council and local authority respectively for that part;

The expression "authorised distributors" means—

Any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a supply of energy within any part of the area of supply as defined by this Act;

The expression "authorised undertakers" means—

(1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply as defined by this Act;

(2) Any authorised distributors as defined by this Act.

As to railways tramways &c.

5. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 restricting the breaking up of tramways or railways where laid across or along any highway on the level or the roadway of or approaches to any bridge over any railway within the area of supply shall not apply to the Company.

Company incorporated.

6. Philip Napier Miles Alfred George Derwent Moger Charles Letch Mason Frank Armstrong and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes herein-after mentioned and for those purposes shall be and are hereby incorporated by the name of

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"The Somerset and District Electric Power Company" and by that name shall 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.

General purposes and powers of Company.

7. The Company shall be established for the purpose of constructing erecting laying down maintaining working and using electric generating stations and works and producing generating using and supplying electrical energy or power and generally carrying out the powers and purposes of this Act and the powers of the Company shall include the acquisition construction erection maintenance enlargement alteration working and user or discontinuance sale letting and disposal of all such lands easements buildings collieries works machinery plant stock electric current wires lamps motors fittings meters and apparatus material matter and things the holding of patent and other rights and licences (not exclusive) and the exercise of such powers and doing of such works and supply of such material and products matter and things as may be necessary or convenient in for or in connexion with or arise or be used in the production generation use storage regulation transforming transmittal measurement distribution and supply of such energy or power or the fitting up and repairing of any such articles and things or for providing or working material matter and things for those purposes or any of them or otherwise carrying on the undertaking.

Capital.

8. The capital of the Company shall be seven hundred and fifty thousand pounds in seven hundred and fifty thousand shares of one pound each.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipts in cases of persons not sui juris.

11. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

12. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may divide any shares in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividend on half shares.

13. The dividend which would be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of profits of year only.

14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

15. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate

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of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

18. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

19. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Portion of capital to be subscribed before compulsory powers put in force.

20. When one hundred thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land The deposit with the Board of Trade of a statutory declaration by two of the directors and the secretary of the Company that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof.

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Power to borrow.

21. The Company may in respect of the capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any moneys not exceeding in the whole two hundred and fifty thousand pounds and of that sum the Company may borrow on mortgage any sum not exceeding thirty thousand pounds in respect of each ninety thousand pounds of the said capital but no part of any such sum of thirty thousand pounds shall be borrowed until the whole of the capital in respect of which the borrowing power is exercised is 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 the whole of such portion of capital has 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 in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

22. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

23. 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 at any time created and issued or granted by the Company under this 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

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and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

24. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to purposes to which capital is properly applicable.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

26. The number of directors shall be seven but the Company may vary the number provided that the number be not less than five or more than nine.

Qualification of directors.

27. The qualification of a director shall be the possession in his own right of not less than one thousand shares.

Quorum.

28. The quorum of a meeting of directors shall be three when the number of directors does not exceed five and four when the number of directors exceeds five.

First directors.

29. Philip Napier Miles Alfred George Derwent Moger Charles Letch Mason Frank Armstrong Herbert Conquest and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for generating stations.

30. The Company may enter upon take hold and use the lands in the counties of Somerset and Gloucester shown on the deposited plans and described in the First Schedule to this Act or any of them or any part or parts thereof and may thereon erect maintain work and use stations for producing generating transforming using transmitting conveying and distributing energy or power or any material product matter or thing arising or used in the process of such generation or transformation with all buildings engines dynamos batteries accumulators storage works motors generators machinery appliances apparatus and conveniences and may produce generate transform use transmit convey and distribute energy power material products matters and things accordingly.

Act not to authorise supply of gas.

31. Nothing in this Act shall authorise the Company to supply gas.

Power to execute work.

32. The Company upon the lands in the parish and urban district of Radstock shown upon the deposited plans and described in the deposited book of reference and being numbered 1 and 3 thereon and therein may subject to the provisions of this Act and according to the lines and within the limits of deviation shown upon the said deposited plans make and maintain—

A bridge over the River Somer for carrying a road to connect the lands herein-before referred to.

Power to deviate from levels &c.

33. In making the work by this Act authorised the Company may subject to the provisions of this Act deviate to any extent from the lines thereof within the limits of deviation defined on the deposited plans to such extent as may be agreed between the Company and the conservators having jurisdiction and control over the said river.

For protection of Waldegrave Estate.

34. For the protection of the trustees under the will of the Right Honourable Frances Elizabeth Anne Dowager Countess Waldegrave and of the Right Honourable William Frederick Earl Waldegrave or other the owners for the time being of the estates at and near Radstock in the county of Somerset settled by the said will the following provision shall unless otherwise agreed have effect (that is to say) :—

Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not enter upon purchase or acquire otherwise than by agreement any of the lands in the urban district of Radstock described in the First Schedule to this Act.

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Restriction on taking houses of labouring class.

35. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor except with the consent of the Local Government Board ten or more houses in any city borough or urban district or any such parish or part of a parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them and the word "house" means any house or part of a house occupied as a separate dwelling.

Power to take easements &c. by agreement.

36. 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 required for the purposes of this Act (not being an easement right or privilege of water in which persons other than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction of errors &c. in deposited plans and book of reference.

37. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten

days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and such certificate shall be kept by such clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and exercise the powers in accordance with such certificate.

Period for compulsory purchase of lands.

38. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Area of supply.

39. Subject to the provisions of this Act the area of supply shall be—

Those parts of the counties of Somerset Gloucester and Wilts and the city and county of Bristol herein-after described namely:—

In the county of Somerset The city and county borough of Bath the city and municipal borough of Wells the municipal borough of Glastonbury the urban districts of Radstock Midsomer Norton Shepton Mallet Frome and Street and the rural districts of Frome Shepton Mallet Wells Bath Keynsham and Clutton:

In the county of Gloucester The urban districts of Horfield and Kingswood and the rural districts of Warmley and Barton Regis and the parish of Pucklechurch in the rural district of Chipping Sodbury:

The whole of the city and county of Bristol:

In the county of Wilts—The urban districts of Bradford-on-Avon Melksham Westbury and Trowbridge and the rural districts of Melksham Bradford-on-Avon and Westbury.

For protection of county councils and district councils.

40. The words "the council" where used in this section shall be deemed to mean—

(A) The council of any county where main roads or county bridges are or may be affected by or under the provisions of this Act; or

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(b) The council of any district where any roads or bridges over which the district council shall have jurisdiction or for the repair of which they may be liable are or may be affected by or under the provisions of this Act.

In executing the works and exercising the powers by this Act authorised the following provisions shall have effect unless otherwise agreed on in writing between the council and the Company (that is to say):—

(1) All electric lines to be laid in or along any roads repairable by the council shall as far as practicable be constructed and laid at the side thereof:

(2) Any electric lines which shall be constructed or laid in upon across or alongside any bridge under the jurisdiction of or repairable by the council or any arch connected therewith shall be constructed or laid in upon across or alongside such bridge and arches as and in such manner as may be agreed on between the Company and the council or as failing agreement may be settled by arbitration as hereinafter provided and the Company may notwithstanding anything in this Act or in the principal Acts construct lay down erect and maintain such electric lines accordingly:

(3) All works of or connected with the laying down of any electric line along any road repairable by the council or over any bridge under the jurisdiction of or repairable by the council shall be so executed as not to stop or unreasonably interfere with the traffic of such road or bridge and all such works shall be proceeded with and completed with all possible despatch:

(4) All works of the Company so far as laid on or under any road street or public way shall be constructed of such strength as shall be fitted to support the weight of any heavy traffic without injury:

(5) The Company shall pay to the council the reasonable cost in relation to the examination of any plan served on them in accordance with the Electric Lighting (Clauses) Act 1899 and the superintendence authorised thereby or by the principal Acts of any works of the Company such cost not to exceed in any one case the sum of ten guineas in the case of a county council and the sum of five guineas in the case of a district council:

(6) Nothing in this Act nor in the principal Acts shall in any way limit or affect the powers of the council to divert

widen raise or improve any road or to remove alter widen raise or renew any bridge or the approaches thereto in alongside or near to which any electric lines of the Company are laid or carried in the same manner as they might have done if this Act had not been passed without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of the reasonable exercise of such powers Any alteration of the position of any electric lines of the Company necessitated by the diversion widening raising and improvement of such road or the removal alteration widening raising or renewal of such bridge shall be effected by and at the expense of the Company and within such reasonable period as shall be required by the surveyor of the council and if in order to avoid interruption to the supply of electrical energy by the Company it is necessary to do so the Company may temporarily carry their electric lines overhead or at the side of any such road bridge or approaches in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the council Provided that before such diversion widening improvement removal alteration raising or renewal of any such road or bridge shall be commenced the council shall give one month's notice in writing to the Company of their intention to carry out such works and the council shall afford at the cost of the Company reasonable facilities for temporarily carrying electric lines along the road or across the stream so as not to interrupt the continuous supply of energy :

(7) The council shall not except in the case of their negligence be liable to any claim for damages in respect of any injury which may be caused to the electric lines of the Company through the use by the council or their agents of a steam roller scarifier or other similar appliance upon any road or bridge or through the reasonable exercise of any rights functions powers or privileges vested or to be vested in the council :

(8) If owing to the abandonment of the undertaking or any part thereof any electric line laid under the powers of this Act under any road or bridge repairable by the council shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade

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or if the powers of the Company shall under the section of this Act the marginal note whereof is "Cesser of powers" at any time cease the said Board may if they think fit by order sanction the removal of such electric line and the council may (subject however to any agreement between the council and the Company providing for the removal of such electric line by the Company) forthwith remove the same with all reasonable care and the Company shall pay to the council the reasonable cost of such removal and of the reinstatement of the said road or bridge in which the same was laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the council may without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the electric line so removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of the said road or bridge and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the council to the Company:

(9) If any road repairable by the council is broken up by the Company for the purposes of their undertaking or any bridge culvert drain pipe or other property of the council is damaged by the Company the Company shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the council and if the same is not so repaired the council may cause the necessary repairs to be done and may charge the cost against the Company and the same shall be a debt due from the Company to the council Provided that the rights or obligations conferred or imposed by this section shall be in addition to and not in substitution for any rights or obligations conferred or imposed by such of the provisions of the principal Act (as defined in the Electric Lighting (Clauses) Act 1899) and in particular those of the Gasworks Clauses Act 1847 with respect to breaking up streets as are incorporated in the principal Act and set out in the Appendix to the Schedule of the Electric Lighting (Clauses) Act 1899:

(10) Notwithstanding anything in this Act contained if any difference arise between the Company and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by an Engineer to be appointed by the Board of Trade on the application of either of the parties in difference.

As to overhead wires across main roads.

41. Except as in this Act otherwise expressly provided no electric lines shall be placed overhead along across or by the side of any main road or any county bridges and approaches under the jurisdiction of or repairable by the county council without the consent of the county council but such consent shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not such question shall be decided by the Board of Trade and the reasonable costs charges and expenses incurred by the county council in relation to any reference to the Board of Trade under this section shall unless the Board of Trade certify that the action of the county council in the matter has been unreasonable be paid by the Company.

As to route for electric lines.

42.—(1) Any electric lines laid down by the Company under the powers by this Act granted 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 Board of Trade 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.

(2) Where the local authority of any borough urban or rural district object to any proposed line of route on the ground that it would traverse the principal thoroughfares or busy streets of such borough or district or be otherwise inconvenient and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonable such alternative route or deviation shall be adopted.

(3) The reasonable costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section or the section of this Act the marginal note whereof is "Overhead wires" shall unless the Board of Trade certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

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Provided nevertheless that the provisions of subsection 2 of this section shall not take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply in respect of such alternative route or deviation.

For protection of Great Western Railway Company and Great Western and Midland Railway Companies.

43. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") and of the Great Western and Midland Railway Companies jointly as owners of the Clifton Extension and Bristol Port and Pier Railways (herein-after called "the joint companies") the following provisions shall apply :—

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the joint companies or the bridges approaches viaducts stations or other works or any level crossings over the said railways the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company or the joint companies as the case may be and according to plans to be submitted to and reasonably approved by him in writing and within a reasonable time or in case of difference as may be determined by arbitration in the manner herein-after provided :

(2) All such works shall be done by and at the expense of the Company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the Great Western Company or the joint companies or over the approaches to any such level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the Great Western Company or the joint companies elect so to do where any mains pipes apparatus or other works require to be laid under or across any level crossing of their respective railways they may themselves lay the same at the reasonable costs charges and expenses of the Company :

(3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon:

(4) If the Great Western Company or the joint companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railway bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the Great Western Company or the joint companies as the case may be may on giving to the Company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the electricity supply of the Company:

(5) Any additional expense which the Great Western Company or the joint companies may reasonably and properly incur in widening altering reconstructing or maintaining their railways or works by reason of the existence of any electric lines of the Company across or under the same shall be paid by the Company:

(6) In the event of any of the telegraphic telephonic or electrical signal communications of the Great Western Company or the joint companies being at any time injuriously affected by induction or otherwise from the electric lines of the Company the Company shall at their own expense execute and do such remedial works as may be necessary for the protection of the Great Western Company and the joint companies;

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(7) Any dispute or difference which may arise between the Great Western Company or the joint companies and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company or the joint companies and the Company or either of them.

For protection of London and South Western and Midland Railway Companies.

44. For the protection of the London and South Western Railway Company and the Midland Railway Company as lessees of the Somerset and Dorset Railway (herein-after referred to as "the lessee companies") the following provisions shall apply:—

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across under or adjoining or in any way affecting the railway lands and property now or hereafter belonging to leased used or occupied by the lessee companies or the bridges approaches viaducts stations or other works or any level crossings of the Somerset and Dorset Railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the lessee companies and according to plans to be submitted to and approved by him in writing and within a reasonable time or in case of difference as may be determined by arbitration in the manner herein-after provided:

(2) All such works shall be done by and at the expense of the Company except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the Somerset and Dorset Railway or over the approaches to any such level crossing so far as the same may be disturbed or interfered with by or owing to any operations of the Company Provided always that should the lessee companies elect so to do where any mains pipes apparatus or other works require to be laid under or across any level crossing of the Somerset and Dorset Railway they may themselves lay the same at the reasonable costs charges and expenses of the Company:

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(3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railway bridges level crossings approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railway or at to or from any station thereon:

(4) If the lessee companies at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to alter or repair their railway bridges viaducts or works upon across over or under which any of the works of the Company may have been constructed or laid the lessee companies may on giving to the Company twenty-eight days notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railway bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be done without unduly interfering with the electricity supply of the Company:

(5) Any additional expense which the lessee companies may reasonably and properly incur in widening altering reconstructing or maintaining the Somerset and Dorset Railway or the works connected therewith by reason of the existence of any electric lines of the Company across or under the same shall be paid by the Company:

(6) In the event of any of the telegraphic telephonic or electrical signal communications of the lessee companies being at any time injuriously affected by induction or otherwise from the electric lines of the Company the Company shall at their own expense execute and do such remedial works as may be necessary for the protection of the lessee companies:

(7) Any dispute or difference which may arise between the lessee companies and the Company with reference to the provisions of this section or in any way arising thereout or

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as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the lessee companies and the Company or either of them.

For protection of Bristol Tramways and Carriage Company Limited.

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

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

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

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

(4) Where under this Act or any Act or provision incorporated therewith it is provided that any work shall be carried out to the satisfaction or under the superintendence or in conformity with the requirements of the tramways company or of any person on their behalf or in accordance

with a plan to be submitted to or approved by them the tramways company themselves may at the reasonable cost in all things of the Company execute such work.

For protection of Bristol Waterworks Company and West Gloucestershire Water Company.

46. The following provisions for the protection of the Bristol Waterworks Company and the West Gloucestershire Water Company (each of which is in this section called "the water company") shall in addition to the other provisions contained in this Act or in any Act incorporated with this Act unless otherwise agreed between the water company and the Company be observed and have effect (that is to say):—

(1) The Company shall make full compensation to the water company for any loss or damage which may occur to their mains pipes and apparatus by fusion or electrolytic action caused by the exercise of any of the powers by this Act conferred upon the Company:

(2) Where it shall be found necessary to temporarily support or to provide a suitable and proper foundation for any pipe or work of the water company the water company themselves may at the reasonable cost in all things of the Company temporarily support or provide such suitable and proper foundation for such pipe or work.

Map of electric lines to be made and deposited.

47. The Company shall cause a map to be made showing the line and the depth below the surface of all electric lines and other underground works and street boxes laid down under the powers of this Act 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 so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all such electric lines and underground works and street boxes The said map and sections shall be made on such scale or scales as the Board of Trade 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 their principal office within the area of supply 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

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copy of the same or any part thereof taken by such applicant as they may prescribe.

The Company shall if so required by the Board of Trade or the Postmaster-General or by the county council or local authority supply to them or him without charge a copy of any such map or section and cause such 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.

Overhead wires.

48. The consent of a rural district council as the local authority to the placing of electric lines above ground under section 14 of the Electric Lighting Act 1882 and paragraph (b) of section 10 of the schedule to the Electric Lighting (Clauses) Act 1899 shall not be unreasonably withheld and if any question arises whether that consent is unreasonably withheld or not that question shall be decided by the Board of Trade.

Power to lay down pipes.

49.—(1) It shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water (but only for the purposes of the section of this Act the marginal note whereof is "Agreements with regard to supply of water &c.") and any materials matters or things used by them in or resulting from the process of generating or transforming electricity to or from any generating station by this Act authorised and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes but the powers by this section conferred upon the Company shall not be exercised within any city or borough without the consent of the local authority in each and every case.

(2) Where any pipe to be laid by the Company under the powers of this section crosses over or under or is situate within three feet of any mains pipes or other works of any company or authority supplying water or gas the Company shall give not less than seven days' notice of their intention so to lay the same to that company or authority and any such pipe shall be laid down under the superintendence and to the reasonable

satisfaction of the engineer of that company or authority as the case may be. A.D. 1903.

Limitation of powers.

50. The powers of the Company for the supply of energy under this Act shall be subject to the following restrictions (that is to say) :—

(1) Energy shall be supplied by the Company only—

(*a*) To authorised undertakers; and

(*b*) To persons requiring a supply for power:

(2) The Company shall not supply energy for lighting purposes except to authorised undertakers provided that the energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised:

Provided that where energy is supplied for power within the area of supply of any authorised distributors the energy used by such person for such lighting purposes in any year except with the consent in writing of the authorised distributors shall not exceed the amount of energy used by such person for power:

For the purposes of this subsection the duties of the electric inspector provided for by section 36 of the Electric Lighting (Clauses) Act 1899 shall include in addition to the duties provided for in that section the duty of inspecting from time to time of his own motion or on the application of any authorised distributors any premises within the area of any authorised distributors supplied with energy by the Company in order to satisfy himself that the last preceding provision of this subsection is duly observed:

If the Board of Trade on the report of the inspector shall be of opinion that the Company has supplied or is supplying contrary to the provisions of this subsection the Company shall be liable to a penalty not exceeding ten pounds and a further penalty not exceeding two pounds for every day during which the offence continues:

(3) The Company shall not supply energy (except to authorised undertakers or to any railway tramway or water company or proprietors or trustees of any canal or navigation for power) in any area which at the date of the passing of this Act forms part of the area of supply of any authorised distributors without the consent in the case of each intended consumer of those distributors:

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Provided that where any authorised distributors refuse or withhold such consent the Company may appeal to the Board of Trade as to whether the consent of such authorised distributors is unreasonably refused or withheld and the Board of Trade may dispense with such consent if in their opinion it is unreasonably refused or withheld The consent shall be deemed to be unreasonably refused or withheld if such authorised distributors are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the Company are willing and able to give the supply.

Provided that any local authority which during the present or next ensuing session of Parliament may become authorised by licence or Provisional Order granted by the Board of Trade under the principal Acts and confirmed by Parliament to supply energy within any part of the area of supply under this Act shall be deemed to have been at the date of the passing of this Act authorised distributors within the area of supply as defined by such licence or Order.

For protection of corporations of Bath and Wells.

51. For the protection of the mayor aldermen and citizens of the city of Bath and the mayor aldermen and burgesses of the borough of Wells (herein-after respectively referred to as "the corporation" and as "the city" and "the borough") the following provision shall unless otherwise agreed have effect (that is to say) :—

The decision of the Board of Trade under the last preceding section of this Act that the consent of the corporation to the Company supplying electricity within the city or the borough respectively has been unreasonably refused or withheld (so as to entitle the Company to supply under this Act) shall apply only to each application or appeal to the Board of Trade.

For protection of lord mayor aldermen and burgesses of city of Bristol.

52. For the protection of the lord mayor aldermen and burgesses of the city of Bristol (herein-after respectively referred to as "the corporation" and "the city") the following in addition to the other enactments contained in this Act and the Acts incorporated herewith shall apply :—

(1) The provisions of the section of this Act the marginal note whereof is "For protection of county councils and

district councils" shall mutatis mutandis apply to the corporation and the city as it now exists or may be extended by any Act passed during either of the next two ensuing sessions of Parliament as if the corporation were "the council" within the meaning and for the purposes of that section and the word "road" where used in that section shall be deemed to mean and include the lands railways docks wharves and the works connected therewith and the streets roads rivers watercourses sewers drains electric and other apparatus property and works belonging to or under the control of the corporation:

(2) The determination of the Board of Trade under the section of this Act the marginal note whereof is "Limitation of powers" that the consent of the corporation to the Company supplying energy within the city as it now exists or may be extended as aforesaid has been unreasonably withheld (so as to entitle the Company to supply under this Act to any particular consumer) shall in each case relate only to the particular supply in respect of which the consent of the corporation shall have been withheld and shall not be deemed to authorise the Company to supply energy within the city as it now exists or may be extended as aforesaid to any person other than the consumer to whose intended supply such determination shall relate.

As to application by local authorities for Provisional Orders.

53. Nothing in this Act shall prejudice any application which is now being made or may hereafter be made by any local authority company or person for a Provisional Order under the principal Acts for power to supply energy within the area of supply under this Act and in any Provisional Order to be granted after the passing of this Act by the Board of Trade authorising any local authority company or person to supply energy within the area of supply under this Act provision may be made as to the taking over of any supply then given by the Company for use exclusively within the area of supply defined in such Order.

For protection of mayor aldermen and burgesses of borough of Glastonbury.

54. For the protection of the mayor aldermen and burgesses of the borough of Glastonbury (herein-after in this section referred to as "the corporation") the following provisions shall and unless otherwise agreed between the Company and the corporation have effect (that is to say):—

(1) In the event of the corporation being authorised by Act of Parliament or by a licence or Provisional Order granted by the Board of Trade under the principal Acts to supply

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energy within the limits or any portion thereof throughout which they are authorised by the Glastonbury Corporation Gas Act 1900 to supply gas before the Company shall be supplying energy throughout such limits the Company shall not supply energy in any portion of such limits within which the corporation may be authorised to supply electricity without the consent of the corporation Provided that if the corporation refuse or withhold such consent the Company may appeal to the Board of Trade as to whether the consent of the corporation is unreasonably refused or withheld and the Board of Trade may dispense with such consent if in their opinion it is unreasonably refused or withheld The consent shall be deemed to be unreasonably refused or withheld if the corporation are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Board of Trade shall amongst other things have regard to the terms upon which and the time within which the Company are willing and able to give the supply:

(2) The determination of the Board of Trade that the consent of the corporation to the Company supplying energy within the area of supply of the corporation has been unreasonably withheld so as to entitle the Company to supply under this Act shall apply only to each application or appeal to the Board of Trade and shall not be deemed to authorise the Company to supply energy generally within the area of supply of the corporation.

Company to furnish supply of energy to authorised undertakers.

55. The Company shall upon being required to do so by any authorised undertakers give and continue to give to such undertakers at such point within the area of supply as such undertakers may reasonably require a supply of energy at a price not exceeding the prices respectively stated in the Second Schedule annexed to this Act and they shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such undertakers at such point the maximum power with which such undertakers may be entitled to be supplied under this Act subject to the conditions following (that is to say):—

Authorised undertakers requiring a supply of energy as aforesaid shall—

Serve a notice upon the Company specifying the point at which such supply is required to be given and the

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

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

Provided that any authorised undertakers (other than a local authority) so requiring a supply of energy shall give to the Company (if required by them to do so) security for the payment of all moneys which may become due to the Company under such contract:

Provided further that the Company shall grant to any such undertakers as favourable terms and conditions for the supply of electricity as those granted by the Company to any other authorised undertakers company or person whose circumstances are similar.

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 purpose for which such supply is required and shall not be increased except upon service of a fresh notice in accordance with the provisions of this section.

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

As to supply to other than authorised undertakers.

56. Any person other than an authorised undertaker to whom the Company is under the powers of this Act entitled to give a supply of energy for power shall be entitled to require the Company to give such a supply by serving a notice upon the Company as herein-before provided in the case of authorised undertakers and entering into a binding contract to continue to receive and pay for a supply of energy upon such terms as failing agreement shall be fixed by a single arbitrator appointed by the

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Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the Company) the arbitrator shall have regard to the following amongst other considerations :—

(1) The period for which the person to whom the supply is to be given is prepared to bind himself to take energy :

(2) The amount of energy required and the hours during which the Company can be called upon to supply such energy :

(3) The capital expenditure in connexion with the supply of such energy :

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

Provided that any person so requiring a supply of energy 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.

Penalty for failure to supply.

57. Whenever the Company make default in supplying energy to any authorised undertakers to whom they may be and are required to supply energy 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 And provided also that in no case shall any penalty be inflicted in respect of any default if the Court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Notice of discontinuance of supply.

58. Any local authority company body or person supplied with energy by the Company under this Act who are desirous of discontinuing to receive such supply shall give to the Company twelve months' notice in writing of their intention to discontinue to receive such supply Such notice may be given so as to expire at the end of the period for which the local authority company body or person have contracted to continue to receive and pay for such supply or at any subsequent date.

Maximum power.

59. The maximum power with which any person shall be entitled to be supplied shall be of such amount as such person

may require to be supplied with not exceeding what may be reasonably anticipated as his maximum consumption.

If any difference arises between any such person and the Company as to what may be reasonably anticipated as aforesaid such difference shall be determined by arbitration.

Stated prices.

60. The prices to be charged by the Company shall not exceed those respectively stated in that behalf in the Second Schedule to this Act annexed and in the case of authorised undertakers the maximum charges stated in the said Second Schedule shall include the cost of transforming the energy supplied if so required to such pressure and description of current as may be reasonably required The Company may charge for a supply of energy to authorised undertakers or persons supplied by them either by the actual amount of energy so supplied or by the electrical quantity contained in the supply or by such other method (to be approved by the Board of Trade) as may be agreed between the Company and such undertakers or persons.

Relation between price and dividend.

61.—(1) Except as herein-after provided the dividend payable by the Company on the capital of the Company in any year shall not exceed eight pounds in respect of every hundred pounds paid up of such capital and that rate of dividend is herein-after referred to as "the standard rate of dividend."

(2) If in any year the average price per unit obtained by the Company for energy supplied by them under this Act throughout their area of supply is less than two pence and one halfpenny per unit (herein-after referred to as "the standard price") the dividend which the Company is authorised to pay in that year may be increased in the ratio of five shillings per centum in respect of every one and a quarter per centum by which the average price charged by the Company has been below the standard price.

(3) If in any year the average price per unit obtained by the Company for energy supplied by them under this Act throughout their area of supply is more than the standard price the dividend which the Company is authorised to pay in that year shall be reduced below the standard rate of dividend in the ratio of five shillings per centum for every one and a quarter per centum by which the average price so obtained by the Company has been above the standard price.

(4) The Company may in addition to the dividends authorised under this Act make good any deficiency in any previous dividends which have fallen below the standard rate of dividend.

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Reserve fund.

62. The Company shall not in any one year place to a reserve fund any greater sum than ten per centum on the paid-up capital of the Company for the time being Provided that if the profits earned by the Company and available for that purpose do not permit of ten per centum being so placed to such reserve fund the deficiency in any previous years may be made up in subsequent years.

Revision of prices &c.

63.—(1) The Board of Trade at any time after the expiration of a period of ten years from the passing of this Act on the application of the Company the county council or of any three authorised undertakers or twenty persons otherwise supplied by the Company under this Act may revise the maximum prices contained in the Second Schedule to this Act and the relation between price and dividend as fixed by this Act and the standard price as so fixed.

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

(3) On any such revision the Board of Trade may modify the provisions of this Act both as to the price and the relation between price and dividend so far as may be necessary to carry out their decisions on the revision.

Inspectors &c.

64.—(1) The Board of Trade on the application of any persons supplied with energy by the Company under the powers of this Act or of any authorised undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electrical inspectors under this Act and the Board of Trade may prescribe the fees to be taken by such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Board of Trade.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the portion of main within their district and in case the Company fail to comply with the provisions of this subsection any such local authority may apply to the Board of Trade to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

Agreements.

65. The Company and any authorised undertakers or any person to whom the Company are entitled to give a supply of energy for power may subject to the provisions of this Act and the Acts incorporated herewith enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say) :—

The supply by the Company to any authorised undertakers or any such person of energy plant fittings or materials ;

The prices to be charged for and the terms and conditions of such supply ;

The execution or exercise by any such undertakers or person on behalf of the Company or by the Company on behalf of such undertakers or person of any works or powers in reference to the supply or use of energy within the area of supply.

As to applications for Provisional Orders.

66. Nothing contained in this Act shall prevent the Company from applying and the Company may apply for Provisional Orders under the Electric Lighting Acts 1882 and 1888 :

Provided that the Company shall not at any time apply for any Provisional Order under the said Acts for power to supply energy within the city and county of Bristol as it now exists or may be extended by any Act passed during the next two ensuing sessions of Parliament.

Agreements with regard to supply of water &c.

67. The Company on the one hand and the proprietors or trustees of any canal or navigation or other body or person or the owners or lessees of any tramway or tramroad on the other hand may enter into and carry into effect contracts agreements and arrangements for and with respect to the supply of water (other than potable water) to the Company for condensing and other purposes of their undertaking or the running over and use by the Company of any such tramway or tramroad for bringing to or taking from any generating station or works of the Company coal material or things used in or produced thereat :

Provided that nothing in this section contained shall authorise any local authority or any water company to supply potable water to the Company for use within the area of supply of any local authority or water company authorised by Act of Parliament or Order confirmed by Parliament to supply water :

Provided also that nothing in this Act shall avail to release any local authority from the restraint on the supply of water by local authorities contained in section 52 of the Public Health Act 1875.

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Act not to authorise supply of water.

68. Nothing in this Act shall authorise the Company to supply water.

Cesser of powers.

69. If within two years from the date of the passing of this Act the Company have not substantially commenced their works for the purpose of carrying out their powers under this Act and if within four years after the date of the passing of this Act the Company have not provided a generating station or generating stations sufficient in the opinion of the Board of Trade and are not in a position to supply therefrom the Board of Trade may on the application of any authorised undertaker and after hearing the parties order that the powers of the Company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made those powers shall cease accordingly.

Power to pay interest out of capital.

70. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of four years from the date of the passing of this Act or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed twenty thousand 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 third of the amount paid for interest as aforesaid:

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(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares:

(E) The half-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.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other 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 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.

Recovery of demands under fifty pounds.

71. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

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

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

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As to placing cables &c. under or across tidal water.

73. Notwithstanding anything contained in this Act any cables pipes or wires to be laid or placed by the Company under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

Saving rights of duchy of Cornwall.

74. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving rights of Crown.

75. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Costs of Act.

76. All costs charges expenses and liabilities preliminary and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the Company.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Lands for Generating or Power Stations.

1. The property in the parish of Hanham Abbots in the rural district of Warmley in the county of Gloucester being the whole of the lands numbered 86 and 88 and part of the lands numbered 89 90 and 190 on the $\frac{1}{2500}$ Ordnance map of Gloucester (1882 edition sheet LXXVI. 2) containing 29 acres or thereabouts bounded on the north (starting from the Hanham Common Lane) by the lands numbered 46 87 and 17 on the same Ordnance map on the west by the towing-path of the River Avon on the south by an imaginary straight line drawn from a point measured along the said towing-path in a southerly direction 800 feet or thereabouts from the westerly termination of the tramway of the Bedminster Easton Kingswood and Parkfield Collieries Limited in an easterly direction to Hanham Common Lane and on the east by Hanham Common Lane aforesaid to the starting point but excluding from such eastern boundary the land and buildings shown on the said Ordnance map and numbered 85 thereon.

2. The property in the urban district of Radstock in the county of Somerset being the whole of the lands numbered 212 and 214 on the $\frac{1}{2500}$ Ordnance map of Somerset (1886 edition sheet XX. 15) containing $8\frac{1}{4}$ acres or thereabouts bounded on the north by the Somerset and Dorset Joint Railway on the east by the lands proposed to be used by the Radstock District Council for sewage works on the south by the River Somer and on the west by the saw mills of Messrs. Edgerley Brothers.

3. A plot of land in the said urban district of Radstock being part of the enclosure numbered 215 on the above Ordnance map of Somerset bounded on the north by the River Somer on the east by land belonging to Earl Waldegrave on the south by the occupation road shown on the said plot of land and on the west by land also belonging to Earl Waldegrave such western boundary terminating at an imaginary straight line drawn in a northerly direction at a point on the said occupation road distant 300 feet or thereabouts from the bridge leading over the River Somer to the wagon works of Messrs. Wheeler and Gregory Limited and containing three quarters of an acre or thereabouts.

A.D. 1903.

THE SECOND SCHEDULE.

In this schedule—

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

SECTION 1.

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

(A) For any quantity not exceeding the equivalent of four hundred hours of supply at the maximum power which has been demanded by such consumer at the rate of threepence per unit :

(B) For any further quantity exceeding the equivalent of four hundred hours of supply at such maximum power at the rate of twopence per unit.

SECTION 2.

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

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