CHAPTER vii.

An Act to authorise agreements between the Councils of the metropolitan boroughs of Stoke Newington Hackney and Islington with respect to the supply of electricity in bulk and to confer powers upon the Stoke Newington Borough Council with respect to the purchase of lands and for other purposes. A.D. 1903.

[30th June 1903.]

WHEREAS by or under the Hackney Electric Lighting Order 1893 and the Islington Electric Lighting Order 1893 and the Stoke Newington Electric Lighting Order 1902 the respective councils of the metropolitan boroughs of Hackney Islington and Stoke Newington are respectively authorised to supply electrical energy within the metropolitan boroughs under their respective jurisdictions:

And whereas the metropolitan borough of Stoke Newington adjoins the metropolitan boroughs of Hackney and Islington and arrangements are in contemplation for the supply by the councils of the said metropolitan boroughs of Hackney and Islington of electrical energy in bulk to the council of the said metropolitan borough of Stoke Newington (hereinafter called "the Council") and it is expedient that the aforesaid councils be authorised to enter into agreements with respect to the supply of electrical energy in bulk as hereinafter provided:

And whereas the Council has adopted the Baths and Wash-houses Acts 1846 to 1899 and it is expedient that the Council be authorised to purchase compulsorily the lands and houses hereinafter described for the purposes of such Acts:

And whereas an absolute majority of the whole number of the Council at a meeting held on the twenty-fifth day of November one

A.D. 1903.

thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the North London Guardian a local newspaper published and circulating in the metropolitan borough of Stoke Newington such notice being in addition to the ordinary notices required for summoning such meeting resolved that the Council should be at liberty to incur the expense in relation to promoting the Bill for this Act:

And whereas such resolution was published twice in the Stoke Newington and Islington Recorder a newspaper published and circulating in the said borough and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the twentieth day of January one thousand nine hundred and three being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans showing the lands and property to be compulsorily taken under the powers of this Act and also a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the county of London and are hereinafter respectively referred to as "the deposited plans and book of reference":

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):—

Short title.

1. This Act may be cited for all purposes as the Stoke Newington Borough Council Act 1903.

Incorporation of Acts.

2. The Lands Clauses Acts except so far as inconsistent with or expressly varied by this Act are hereby incorporated with and shall form part of this Act.

A.D. 1903.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Lands Clauses Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression "the borough" means the metropolitan borough of Stoke Newington and the expression "the Council" means the mayor aldermen and councillors of the borough.

The expression "the Hackney Council" means the mayor aldermen and councillors of the metropolitan borough of Hackney and the expression "the Islington Council" means the mayor aldermen and councillors of the metropolitan borough of Islington.

The expression "recited Orders" means the Orders recited in the preamble of this Act and each and every of them.

Agreements as to supply of electrical energy.

4. The Council on the one hand and the Hackney Council and the Islington Council or either of them on the other hand may notwithstanding anything in the recited Orders or in the Electric Lighting (Clauses) Act 1899 but subject to and with the approval of the Board of Trade enter into and carry into effect agreements for or with respect to the supply by the Hackney Council and the Islington Council or either of them of electrical energy in bulk to the Council for any purpose for which the Council is for the time being authorised to supply electrical energy and for or with respect to the payments to be made or other consideration to be given in respect of such supply and the purposes of any such agreements shall be deemed to be purposes of the undertakings authorised by the recited Orders respectively relating to the Councils parties to any such agreements.

Purchase of lands by Council.

5. Subject to the provisions of this Act the Council may enter upon and take the lands and houses shown on the deposited plans and described in the deposited book of reference situate on the east side of Albion Road and numbered respectively 76 78 80 82 84 86 88 90 and 92 in that road and may utilise the same or any part thereof for any purposes of the Baths and Washhouses Acts 1846 to 1899.

Power to take easements &c. by agreement.

6. 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 Council 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

A.D. 1903.

as 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.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it appear to such magistrate that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Period for compulsory purchase of lands.

8. The powers of the Council under this Act for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

9. The Council shall not purchase acquire or appropriate under any of the powers of this Act or for any of the purposes of this Act twenty or more houses or sites of houses which at any time within five years before the passing of this Act have been or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

If the Council purchase acquire or appropriate any house or site under the powers of this Act or for any of the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds for every such house or site which penalty shall be recoverable by the Secretary of State 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 it think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans 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 of such persons who may be residing with them.

Application of London Building Acts.

10. The London Building Act 1894 the London Building Act 1894 (Amendment) Act 1898 and any Act amending the same shall apply to the construction or execution of any building structure or works on any lands acquired under the powers of this Act Provided always that it shall not be lawful for the Council without the consent of the London County Council to erect or maintain any building or structure beyond the general line of buildings in any street part of a street place or row of houses in the administrative county of London or to erect any building or structure in such manner that any external wall thereof or the external fence or boundary of any forecourt or space in front thereof shall be within the distances hereinafter prescribed from the centre of the road-way of any street or way (being a highway) upon which the same will abut that is to say where such street or way is used for the purposes of carriage traffic twenty feet and where such street or way is used for the purposes of foot traffic only ten feet.

Power to apply funds.

11. The Council may apply to the purposes of the purchase of the lands by this Act authorised to be purchased by them any moneys which they are for the time being authorised to raise under or for the purposes of the Baths and Washhouses Acts 1846 to 1899 and any expenses incurred by the Council in reference to such purchase shall be deemed to be expenses incurred by them in the execution of those Acts.

Costs of Act.

12. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons including the costs of the Council in and with the object of complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act shall be paid by the Council out of the general rate of the borough and the Council may for the purpose of paying such costs charges and expenses borrow such sums of money as may be required by them for that purpose and for the purpose of securing the repayment with interest of any such moneys the Council may mortgage and assign the said rate and all moneys so borrowed by the Council shall be repaid within five years from the date when the same are borrowed.

A.D. 1903.

Provisions of Metropolis Management Act 1855 as to mortgages to apply.

13. The following sections of the Metropolis Management Act 1855 shall subject to the provisions of this Act extend and apply to moneys borrowed by the Council for the purposes of this Act (that is to say):—

Section 185 Form of mortgage;
Section 186 Repayment of money borrowed at a time agreed upon;
Section 187 Power to borrow to pay off existing securities;
Section 188 Payment of principal and interest may be enforced by the appointment of a receiver;
Section 189 Transfer of mortgages;
Section 191 Mode of paying off mortgages.

Money borrowed to be repaid by instalments or sinking fund.

14.—(1) The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund and the repayment of the first instalment or the first payment to the sinking fund shall be made within twelve months next after the time of borrowing the sum in respect of which the payment is made.

(2) The following provisions shall apply in regard to any sinking fund to be formed under this Act:—

(A) The Council in every year shall appropriate and set apart out of the general rate of the borough such equal annual sums as will with the accumulations thereof by way of compound interest at a rate (in this section referred to as "the prescribed rate") not exceeding three pounds per centum per annum be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the prescribed period:

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any statutory security and if and as often as the rate of interest produced by the investments is not equal to the prescribed rate any deficiency arising thereby shall be made good out of the general rate of the borough:

(C) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such

sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate:

(D) Whenever and so long as the yearly income arising from the sinking fund would if the sinking fund were invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest on such borrowed moneys the Council may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto:

(E) In this section "statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest money and any mortgage bond debenture debenture stock stock or other security (not being annuities rent-charges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council.

Power to re-borrow.

15. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments appropriations or annual repayments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of the fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed by this Act and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such reborrowing.

Protection of lender from inquiry.

16. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or of any part thereof.

A.D. 1903.

Annual return to Local Government Board.

17. The town clerk of the borough shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may be prescribed from time to time by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

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