



## CHAPTER lxx.

An Act to authorise the Scottish Central Electric Power Company to raise additional capital to confer further powers upon the Company and for other purposes. A.D. 1930.  
[4th June 1930.]

**W**HEREAS by the Scottish Central Electric Power Act 1903 the Scottish Central Electric Power Company (hereinafter called "the Company") were incorporated and authorised (amongst other things) to acquire lands to erect generating stations and other works and to supply electricity in the counties of Linlithgow and Clackmannan and parts of the counties of Stirling and Dunbarton within the area of supply defined in that Act:

And whereas the Company are authorised undertakers under the following Orders granted or made in terms of the Electricity (Supply) Acts 1882 to 1928 or some or one of those Acts:—

The Alloa Electric Lighting Orders 1899 and 1911;  
The Dollar Electric Lighting Order 1901;  
The Grangemouth Electric Lighting Orders 1905 and 1911:

And whereas the capital of the Company authorised by the said Act of 1903 is six hundred thousand pounds and the Company are by that Act authorised to borrow on debenture or on mortgage of their undertaking any sum not exceeding one-third part of the amount of the share capital at the time issued:

[Price 1s. 6d. Net.]      A

1

A.D. 1930.

And whereas the Company have issued sixty thousand shares of ten pounds each the whole of which are fully paid up and the Company have raised twenty thousand pounds by the issue of debenture stock :

And whereas certain advances have been made to the Company by the Scottish Power Company Limited amounting as at the thirty-first day of December one thousand nine hundred and twenty-nine to one hundred and seventy-nine thousand and thirty-seven pounds seven shillings and fourpence :

And whereas it is expedient that the Company should be empowered to raise additional capital and to raise further money by borrowing or by the creation and issue of debentures or debenture stock and that the powers of the Company in respect of the raising of money should be enlarged and extended as by this Act provided :

And whereas it is expedient that the capital of the Company should be divided into shares of one pound each and that such provisions in connection with such division or consequential thereon should be made as are in this Act contained :

And whereas it is expedient that the provisions in this Act contained in relation to meetings the qualification and powers of directors and the management of the affairs of the Company should be enacted :

And whereas it is expedient that the Company be empowered to acquire additional lands by agreement as by this Act provided :

And whereas it is expedient that the Company and certain local authorities companies bodies and persons should be empowered to enter into and carry into effect agreements and that further powers be conferred upon the Company with reference to their undertaking as by this Act provided and to enact the other provisions of this Act :

And whereas the purposes aforesaid 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 A.D. 1930.  
the same as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Scottish Central Electric Power Act 1930. Short title.

2. The Scottish Central Electric Power Act 1903 and this Act may be cited together as the Scottish Central Electric Power Acts 1903 and 1930. Citation.

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

Part I—Preliminary.

Part II—Financial.

Part III—Administrative provisions.

Part IV—Additional powers.

Part V—Miscellaneous.

Act  
divided  
into Parts.

4. The following Acts and Parts of an Act are (except where expressly varied by this Act) incorporated with and form part of this Act and this Act shall be deemed to be a special Act within the meaning of those Acts (that is to say):— Incorporation of  
Acts.

The Companies Clauses Consolidation (Scotland) Act 1845;

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

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement.

5. In this Act the several words terms and expressions to which meanings are assigned by the Act of 1903 the Electricity (Supply) Acts 1882 to 1928 the schedule to the Electric Lighting (Clauses) Act 1899 or by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires the following expressions shall have the Interpreta-  
tion.

A.D. 1930. — respective meanings in this section applied to them (that is to say):—

“The Company” means the Scottish Central Electric Power Company;

“The Act of 1903” means the Scottish Central Electric Power Act 1903;

“The undertaking” means the undertaking of the Company;

“The area of supply” means the area within which the Company are authorised to supply electricity;

“The existing ordinary shares” means the shares of ten pounds each in the capital of the Company authorised by the Act of 1903;

“Converted ordinary shares” means the shares into which the existing ordinary shares are converted by virtue of this Act;

“The directors” and “the secretary” mean respectively the directors and the secretary of the Company.

## PART II.

### FINANCIAL.

Power to raise additional capital.

6. The Company may from time to time raise additional capital not exceeding in the whole four hundred thousand pounds nominal capital by the creation and issue at their option of new ordinary shares preferred ordinary shares deferred ordinary shares or preference shares of one pound each or wholly or partially by any one or more of those modes respectively and they may attach to any such capital such rights liabilities privileges and preferences as they think fit.

New ordinary shares to be subject to same incidents as existing shares.

7. Any new ordinary shares created by the Company under this Act (not being preferred ordinary shares or deferred ordinary shares) and the holders of such new ordinary shares respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as if the capital represented by the new ordinary shares were part of the now existing ordinary capital of the Company of the same class or description and the new ordinary shares were shares in that capital.

8.—(1) The Company may provide that any preference shares created under the powers of this Act shall be entitled to a cumulative preferential dividend not exceeding (except with the consent of the Minister of Transport) the rate of six pounds per centum per annum and that if the profits of any year are not sufficient to pay such dividend the deficiency shall be made good out of any funds of the Company which may be available for that purpose or out of the profits of any subsequent year.

A.D. 1930.  
—  
Dividends  
&c. on  
preference  
shares.

(2) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right of repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company.

(3) The Company may on such terms and conditions as they think fit form and maintain special sinking contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any deficiency or arrears of dividend thereon and may provide for yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for the final distribution of such funds and they may appoint trustees to receive hold manage and apply such funds all on such terms and conditions and with such powers and immunities as the Company may prescribe.

(4) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificates of such shares.

A.D. 1930.

Additional  
capital to form  
part of capital of  
Company.

9. The additional capital authorised by this Act shall form part of the capital of the Company.

Calls.

10. In respect of any capital issued after the passing of this Act the directors may make such calls upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them of such amounts and at such times as the directors may think fit.

Power to  
borrow in  
respect of  
authorised  
and ad-  
ditional  
capital.

11.—(1) The directors may without any further or other authority than is given by this section in respect of the capital already raised or created by the issue of shares under the Act of 1903 raise at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any one or more of those modes any sum or sums not exceeding in the whole (inclusive of the sum of twenty thousand pounds so raised up to the thirty-first day of December one thousand nine hundred and twenty-nine) the sum of three hundred thousand pounds.

(2) The Company may also in respect of the additional capital authorised by this Act raise at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any one or more of those modes any sum or sums not exceeding one-half of the nominal amount of such capital for the time being raised and upon which not less than one-half part thereof has been paid up but no sum shall be borrowed or raised in respect of any such capital until the Company have proved to the sheriff before he gives his certificate under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 that not less than one-half of the amount of each of the shares in respect of which the Company propose to borrow or raise money has been paid on account thereof and that such shares were issued bona fide and are held by the persons to whom the same were 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 sheriff of the books of the Company or of such other evidence as he shall think sufficient he shall grant a certificate that the

proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1930.

**12.** The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole. Appoint-  
ment of  
judicial  
factor.

**13.—(1)** The Company may create and issue debentures or debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 32 (Debenture stock) of the Act of 1903. Deben-  
tures and  
debenture  
stock.

(2) The rate of interest on any debentures or debenture stock to be created and issued after the passing of this Act by the Company under the powers of this Act shall not (except with the consent of the Minister of Transport) exceed five and one half per centum per annum.

**14.—(1)** The Company may issue as redeemable preference shares or redeemable debentures or debenture stock any preference shares or debentures or debenture stock which the Company are by the Act of 1903 and this Act authorised to create and issue provided that the resolution authorising the creation or issue of such redeemable preference shares debentures or debenture stock (hereinafter in this section referred to as "redeemable shares or stock") shall specify the terms and conditions on which such redeemable shares or stock shall be redeemed. Redeem-  
able securi-  
ties.

(2) If it is so provided in the resolution under which redeemable shares or stock are or is created or issued as the case may be the Company may—

- (a) call in and pay off the redeemable shares or stock or any part thereof at any time before the fixed date of redemption; and
- (b) redeem the redeemable shares or stock or any part thereof either by paying off the same or by issuing to any shareholder debenture holder or debenture stockholder subject to his consent other shares stock or securities in substitution

A.D. 1930.

therefor and may for the purpose of providing money for paying off the redeemable shares or stock or of providing substituted shares stock or securities create and issue new shares stock or securities (either redeemable or irredeemable) or reissue redeemable shares or stock originally created and issued under this section. Provided that the creation and issue for the purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are by the Act of 1903 and this Act for the time being authorised to raise save so far as such creation and issue is for the purpose of paying off redeemable shares or stock issued under the provisions of this section or of providing shares stock or securities substituted therefor under this section.

(3) All redeemable shares or stock created and issued in exercise of the powers of this section shall (except as may be otherwise expressly provided by the resolution creating the same) be issued subject to the condition that the Company may under the powers conferred or to be conferred by this Act and by any subsequent Act or Order create and issue further amounts of redeemable shares or stock ranking *pari passu* therewith as regards principal as well as interest.

Company  
may incur  
temporary  
loans.

**15.**—(1) The Company may for the purpose of or in connection with the undertaking borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

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



**16.** If any money is payable to a shareholder stockholder mortgagee debenture holder or debenture stockholder being a pupil minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

A.D. 1930.

—  
Receipt in  
case of  
persons not  
sui juris.

**17.** Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 and the Companies Clauses Act 1863 as amended by subsequent Acts the Company may in issuing any unissued portion of the capital or any securities authorised by the Act of 1903 and this Act dispose of all or any of the shares representing such capital or such securities at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

As to  
disposal of  
shares &c.

**18.** The Company on any offer of shares stock debentures or debenture stock or other securities which the Company are or may at any time be authorised to issue may pay out of capital a commission not exceeding (except with the consent of the Minister of Transport) five per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for such shares stock debentures debenture stock or securities or procuring or agreeing to procure subscriptions therefor whether absolute or conditional if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are disclosed in the prospectus advertisement or other document of the Company inviting subscriptions or offers for such shares stock debentures debenture stock or securities Nothing in this section shall affect any power of the Company to pay brokerage.

Power to  
pay com-  
missions.

**19.** Where any preference or ordinary share of the Company has been or shall be issued (whether under the powers of the Act of 1903 or of this Act or of any subsequent Act or Order) at a price (in this section referred to as "the price of issue") greater or less than the nominal amount of such share the amount actually paid up on such share or the amount called up and paid on such share shall for the purpose of determining the amount of any dividend payable on

As to  
shares  
issued at  
a premium  
or dis-  
count.

A.D. 1930. — such share and of determining the amount of preference shares which may be issued be deemed to be—

- (a) when the whole of the price of issue has been paid the nominal amount of such share; and
- (b) when the whole of the price of issue has not been paid the amount or the aggregate of the amounts for the time being actually paid thereon (excluding any premium).

Increase of capital by Special Order.

**20.** The capital and borrowing powers of the Company authorised by the Act of 1903 and this Act may from time to time be increased by a Special Order made by the Electricity Commissioners and confirmed by the Minister of Transport in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Company are hereby authorised to make application for and the Electricity Commissioners and the Minister of Transport are hereby respectively empowered to make and confirm such Special Orders Provided that a Special Order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modification by a resolution passed by each such House.

Sub-division of shares in existing capital.

**21.**—(1) Notwithstanding anything contained in section 17 (Capital) of the Act of 1903 the capital of the Company authorised by that Act shall as from the date of the passing of this Act be divided into six hundred thousand ordinary shares of one pound each.

(2) Each of the existing ordinary shares shall be and is hereby converted into ten ordinary shares of one pound each and such alterations in the register of shareholders as may be necessary for giving effect to the provisions of this section shall be made therein.

Converted shares to confer like rights as existing shares.

**22.** The respective holders for the time being of the converted ordinary shares shall be entitled in respect thereof to the like rights privileges and priorities in all respects as those to which if this Act had not been passed they would have been entitled in respect of the existing ordinary shares for which the converted ordinary shares held by them are substituted by virtue of this Act.

**23.** The converted ordinary shares to which any person shall become entitled under the provisions of this Act shall be held in the same rights upon the same trusts and subject to the same powers provisions charges and liabilities as those upon or to which the existing ordinary shares for which such converted ordinary shares are substituted were held or were subject immediately before the passing of this Act and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed will or other instrument (whether executed before or after such date) disposing of or affecting any such existing ordinary shares and trustees executors or administrators or other parties under disability shall and may accept such converted ordinary shares in substitution for the existing ordinary shares held by them and may retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such existing ordinary shares.

A.D. 1930.

—  
Shares to  
be held on  
same  
trusts &c.

**24.** The Company shall call in the certificates of the existing ordinary shares and shall issue in exchange for those certificates to the respective proprietors thereof free of charge certificates of converted ordinary shares for the respective amounts to which those proprietors are under this Act respectively entitled but no proprietor shall be entitled to a new certificate until he shall have delivered up to the Company to be cancelled the existing certificate for which such certificate is to be substituted. If any such existing certificate shall have been lost or destroyed the new certificate shall be issued upon such terms as to evidence of loss or destruction and indemnity as the directors may think sufficient. Until the issue of such new certificates the existing certificates shall have and possess the same rights and advantages as if they were certificates for those respective amounts of converted ordinary shares but if any holder of any existing ordinary shares neglects or omits to send or deliver to the Company his existing certificates for the period of one year after notice in writing sent by registered letter to such holder at the address appearing in the shareholders' address book the Company may suspend the payment of any dividend declared or made payable upon or in respect

Provisions  
as to  
exchange  
of certifi-  
cates.

A.D. 1930. — of the converted ordinary shares to which such holder is entitled under the provisions of this Act until such existing certificates are sent or delivered to the Company or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and until such indemnity as the directors may think fit shall have been given.

As to  
transfers.

**25.** All transfers or other dispositions of any of the existing ordinary shares shall after the passing of this Act and notwithstanding the provisions thereof be valid and have due effect given to them respectively as transfers of the amount of converted ordinary shares which is substituted under the provisions of this Act for the existing ordinary shares thereby expressed to be transferred or disposed of although the instrument transferring or disposing of such shares shall describe the same by the name or denomination which the shares transferred or disposed of had before conversion under the provisions of this Act and the bequest of or any covenant or provision in any will deed or agreement (whether executed before or after the date of the passing of this Act) relating to any specific nominal amount of any of the existing ordinary shares shall be held to apply to a nominal amount of converted ordinary shares equal to that into which such existing ordinary shares are converted by virtue of this Act.

Purchase  
and cancel-  
lation of  
Company's  
securities.

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

(2) Any debentures or debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished and the amount of any debentures or debenture stock so cancelled or extinguished shall be deemed to be money borrowed and paid off by the Company within the meaning of section 41 of the Companies Clauses Consolidation (Scotland) Act 1845 and the provisions of that section as to reborrowing by the Company shall apply accordingly.

Indemnity  
may be  
required  
before issue

**27.** Notwithstanding anything in section 13 of the Companies Clauses Consolidation (Scotland) Act 1845 or in any other enactment the Company shall not be

under any obligation to issue a new debenture or mortgage or a new certificate of any shares or debenture stock or a new warrant in respect of interest or dividend in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture or mortgage certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage shares debenture stock dividend or interest represented thereby.

A.D. 1930.

of substituted certificates &c.

**28.** The Company may subscribe for purchase hold and dispose of shares stock or securities in any company authorised to supply electricity in any area of supply situate within or partly within or adjacent to the area of supply and taking or agreeing to take a supply of electricity from the Company and may lend money on mortgage bond or other security to any such company Provided that the amount so subscribed and lent by the Company under this section shall not at any one time exceed two hundred thousand pounds.

Power to subscribe for shares or lend money to other companies.

### PART III.

#### ADMINISTRATIVE PROVISIONS.

**29.** The ordinary general meeting of the Company shall be held in each year at such time and place as the directors may from time to time appoint.

Annual meeting.

**30.** Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been sent by post it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

Notice of meetings.

A.D. 1930.

—  
Quorum of  
general  
meetings.

**31.** The quorum of a general meeting of the Company whether ordinary or extraordinary shall be five shareholders present in person or by proxy holding together not less than one-twentieth part of the capital of the Company for the time being issued.

Voting.

**32.**—(1) At all general meetings of the Company whether ordinary or extraordinary every holder of ordinary shares shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each one pound of such ordinary shares held by him. Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share to which a preferential dividend shall be assigned.

Appoint-  
ment of  
proxies.

**33.** Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 the attorney of any holder of ordinary or preference shares in the capital of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of such holder and for that purpose may execute on behalf of the holder the necessary form of proxy. Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint  
holders.

**34.** Notwithstanding anything contained in the Companies Clauses Consolidation (Scotland) Act 1845 where several persons are jointly entitled to and registered as holders of any ordinary or preference shares in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares of the same class are entitled to vote) either personally or by proxy in respect of the shares as if he were solely entitled thereto but if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the share shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any share stands shall for the purpose of this section be deemed joint holders thereof.

**35.** The quorum of a meeting of directors shall be two or such greater number as may from time to time be fixed by the directors.

A.D. 1930.

—  
Quorum of directors.

**36.**—(1) As from the passing of this Act the qualification of a director shall be the possession of not less than five hundred shares and every director who is not qualified at the time of his appointment as a director shall obtain his qualification within two months after his appointment and if any director does not within such two months obtain his qualification he shall vacate his office as director and shall be incapable of being reappointed a director until he has obtained his qualification.

Qualifica-  
tion of  
directors.

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

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

Notice of  
candida-  
ture for  
office of  
director.

A.D. 1930. the Company fourteen days at least before the day of election.

Continuing directors.

**38.** The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors shall be less than four the directors shall not act as such except for the purpose of filling vacancies among the directors and allotting shares to any proposed director or directors.

Managing director.

**39.**—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

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

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

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Directors by appointment.

**40.**—(1) Each director shall have the power by notice in writing delivered to the secretary to appoint any person (including another director) to act in his place at any meeting of the directors at which he is unable to be present. Such person shall (except that he need not be a shareholder) be subject in all respects to the terms and conditions existing with reference to the directors and while acting in the place of an absent director shall exercise and discharge all the duties of the director he represents but shall look to such director solely for his remuneration and shall not be entitled to claim any remuneration from the Company. Any director of the



Company who is appointed to act in the place of another director shall be entitled to vote at a meeting of the directors on behalf of the director so appointing him as distinct from the vote to which he is entitled in his own capacity as a director of the Company but shall not be considered as two directors for the purposes of making a quorum of directors.

A.D. 1930.

(2) A person appointed in terms of this section shall only be entitled to act as aforesaid at the first meeting of the directors held after his appointment and his appointment shall be subject to the approval of the directors present at that meeting.

41. Section 98 of the Companies Clauses Consolidation (Scotland) Act 1845 shall be deemed to authorise the directors to appoint any one or more of their body as a committee for the purpose of passing transfers and sealing certificates of any shares stock or other securities of the Company and of executing any minor powers exerciseable by the directors.

Com-  
mittee of  
directors.

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

Interim  
dividends  
and annual  
accounts.

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

(b) The balance sheet and accounts made up in accordance with section 119 of the Companies Clauses Consolidation (Scotland) Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

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

Closing of  
transfer  
books.

A.D. 1930.

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

As to  
share-  
holders'  
register.

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

Execution  
of deeds.

45. Any deed to which the Company are a party and any other document requiring to be sealed by the Company shall be held to be validly executed on behalf of the Company if it is sealed with the common seal of the Company and subscribed on behalf of the Company—

(a) by any two of the directors; or

(b) by any one of the directors and the secretary;

and such subscription on behalf of the Company shall be equally binding whether attested by witnesses or not.

As to  
contracts.

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

Remunera-  
tion of  
secretary  
and  
auditors.

47. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation (Scotland) Act 1845 they may determine the remuneration of the secretary and auditors of the Company.

Auditors.

48.—(1) The Company shall annually appoint one person or two persons or a firm of accountants to be the auditor or auditors of the Company and such person or persons or the members of such firm shall be a member or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of one of the chartered societies in Scotland or an accountant or accountants approved by the Minister of Transport.

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

49.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and may if they think fit establish and maintain a fund for that purpose.

A.D. 1930.

—  
Power to  
grant pen-  
sions &c.

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

(3) No pensions fund established under this section to which the employees of the Company are required to contribute shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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

50. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and objects and to any industrial exhibitions and trade associations and to sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company.

Power to  
make  
donations  
subscrip-  
tions &c.

#### PART IV.

#### ADDITIONAL POWERS.

51. In addition to the other lands which the Company are by the Act of 1903 authorised to purchase and acquire the Company may for the general purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold any lands and heritages not exceeding (except with the consent of the Electricity Commissioners which consent such Commissioners are hereby authorised to give) two hundred acres which the Company may from time to

Lands by  
agreement.

A.D. 1930. — time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands :

Provided that nothing in this section shall relieve the Company from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 as amended by section 13 of the Electricity (Supply) Act 1922 to the establishment of any generating station upon any lands acquired under this section.

Persons  
under  
disability  
may grant  
servitudes  
&c.

**52.** Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (but as regards any servitude right or privilege of water in which persons other than the grantors have an interest only to the extent of the grantors' interest therein) 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 feu duties ground annuals and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Dwelling-  
houses for  
employees  
offices &c.

**53.** The Company may erect and maintain upon the lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do and may acquire and hold cottages or dwelling-houses for their officers and servants and offices and other buildings in connection with or for the purposes of the undertaking.

Power to  
retain sell  
&c. lands.

**54.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Company may retain hold and use for such time as they may think fit or may sell feu lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired at any time or provided by them and may sell exchange or dispose of any rents reserved therein and may make do and execute any

deed act or thing proper for effectuating any such sale feu lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1930.  
—

**55.** Subject in every respect to the provisions of the Act of 1903 and this Act it shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any other materials matters or things used by them in or resulting from the process of generating or transforming or distributing electricity to or from any generating station or works for the time being belonging to or leased to or worked by the Company 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 nothing contained in this section shall authorise the Company to supply water to other persons : Power to lay down pipes.

Provided that nothing in this section shall authorise the Company to break up any road or street or to affect or interfere in any way with the railway works or property of a railway company for the purpose of laying down altering removing or (except in cases of emergency in which cases notice shall be given to the road authority within twenty-four hours from the breaking up of the road or street) repairing pipes for the purposes aforesaid without the consent of the road authority in whose district the road or street is situate or of the railway company as the case may be which consent shall not be unreasonably withheld.

**56.**—(1) Subject to the provisions of this Act the Company on the one hand and any Government department or person interested in any river stream canal or navigation within the area of supply or any of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down alteration maintenance repair and use of electric lines pipes works appliances and apparatus for the purposes of the Act of 1903 and this Act on the bed banks and foreshore of any such river stream canal or navigation. Agreements with Government departments and others.

A.D. 1930.

(2) The provisions of section 57 (For protection of Forth Navigation Commissioners) of the Act of 1903 shall with any necessary modifications and with the substitution of the Forth Conservancy Board for the Forth Navigation Commissioners extend and apply to the construction laying down alteration maintenance and repair of any electric lines pipes works appliances or apparatus under this section on any part of the bed banks or foreshore of the river Forth under the jurisdiction of the Forth Conservancy Board.

Agree-  
ments with  
railway  
companies  
for works.

57. The Company on the one hand and any railway company whose railway or any part thereof is situate within the area of supply on the other hand may enter into and carry into effect agreements for and in relation to the construction laying down alteration maintenance repair and use of works and electric lines for the purposes of the Act of 1903 and this Act upon across or affecting railways bridges or other property of any such railway company.

Supply in  
bulk.

58. The Company may with the consent in each case of the Electricity Commissioners enter into and carry into effect agreements and arrangements with any authorised undertakers whose area of supply is outside but contiguous to—

- (a) the area of supply; or
- (b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Act of 1903 and this Act or authorised by a Provisional Order or Special Order granted to the Company; or
- (c) the area of supply for the purposes of any undertaking which is for the time being managed by the Company;

for and with respect to the supply of electricity in bulk by the Company to such authorised undertakers Provided that nothing in this section shall—

- (i) confer upon the Company any powers of breaking up any streets or roads except such as the Company are or may be authorised to break up; or
- (ii) enable the Company to supply electricity to any authorised undertakers whose area of

supply is within or partly within the area of supply of any joint electricity authority or power company (as defined by the Electricity (Supply) Act 1919) except with the consent of that authority or company. A.D. 1930.

**59.**—(1) The Company may by agreement (but not otherwise) acquire from any authorised undertakers to whom a Provisional Order or Special Order under the Electricity (Supply) Acts 1882 to 1928 or any of those Acts shall have been or may be granted relating to an area wholly within or partly within and partly without or adjoining—

Transfer of undertakings to Company.

(a) the area of supply; or

(b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Act of 1903 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

the undertaking authorised by the Order and the powers rights authorities and privileges of such authorised undertakers under the Order and the authorised undertakers under any such Order may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners (which approval the Commissioners are hereby authorised to give) transfer their undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and upon such terms and conditions as may be specified in the deed.

(2) In the event of the Company acquiring the undertaking authorised by any such Order and the powers rights authorities and privileges of the authorised undertakers thereunder the Company shall subject to such exceptions and modifications (if any) as aforesaid be deemed to be the authorised undertakers for all the purposes of the Order and shall be allowed to charge for electricity supplied under the Order such prices as may be prescribed by or under the Order.

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

A.D. 1930.

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

(5) In the event of the undertaking authorised by any such Order being acquired by the Company under this section the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 shall subject to any modification of those Acts made by any such Order apply to that undertaking and whether the authorised undertakers are a local authority or not the said undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 Provided that—

(a) the periods at which a local authority may under the provisions of the said section or under any deed of transfer re-purchase or purchase such undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company; and

(b) none of the provisions of any Order authorising any undertaking so acquired by the Company or of the Electricity (Supply) Acts 1882 to 1928 shall extend to authorise the purchase or re-purchase by any local authority of any generating station or other works of the Company which are not exclusively used or required for the purposes of supplying electricity under the Order within the area of supply as defined by the Order.

(6) References in this section to a Provisional Order or a Special Order shall be deemed to include references to any Act or Acts of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

Acquisition of  
generating  
stations  
&c.

**60.**—(1) The Company may by agreement purchase take on lease or otherwise acquire work use maintain alter and improve any generating station or substation and the works connected therewith or incidental thereto belonging to any local authority company body or person and situate in any district or



A.D. 1930.

place within or partly within and partly without or adjoining the area of supply and any such local authority company body or person may sell lease or transfer any such generating station substation and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Company on such terms as may be agreed.

(2) If the Company so acquire any such generating station substation or works powers rights authorities and privileges they may for the purpose of carrying on maintaining and working any such generating station substation or works so transferred to them and of connecting the same with the area of supply exercise all the powers rights authorities and privileges so transferred to them and any generating station substation or works transferred to the Company under this section or any works executed by them under any powers so transferred to them shall be deemed to form part of the undertaking and the Company may sell or otherwise dispose of or discontinue the use of any such generating station substation or works or any part thereof.

(3) Nothing in this section shall exonerate the Company from any indictment action or other proceeding for nuisance if any nuisance is caused or permitted by the Company on any land on which any such generating station or substation is situated and for which nuisance any such undertakers as aforesaid would have been liable if caused by them.

(4) Nothing in this section shall authorise the Company except with the consent of the Electricity Commissioners to acquire any powers rights and privileges of any authorised undertakers with respect to the supply of electricity or to purchase or take on lease (other than a lease for a term ending before the expiration of seven years from the passing of this Act) any generating station or main transmission line belonging to any authorised undertakers.

(5) If any generating station acquired by the Company under the provisions of this section is or shall become a selected station for the purposes of a scheme under the Electricity (Supply) Act 1926 then in construing section 13 of that Act such station shall be deemed to be an existing generating station only to

A.D. 1930.

the extent to which the Company are supplied by the Central Electricity Board for the purposes of the undertaking of which the station formed part immediately before the date of its acquisition by the Company.

Consideration for transfer.

**61.** The consideration payable by the Company in respect of the transfer to them of any undertaking or any generating station substation works powers authorities and privileges or part thereof may if the authorised undertakers company body or person transferring the same and the Company so agree be discharged wholly or in part by the allotment to such authorised undertakers company body or person of fully paid up shares or stock of the Company or of debentures or debenture stock and all shares or stock issued for the purposes of this section shall for all purposes be deemed to be fully paid up and any such authorised undertakers company body or person may accept hold and dispose of such shares stock debentures or debenture stock.

Management of generating stations by former owner.

**62.** Where any generating station has been leased to or acquired by the Company the Company may with the approval of the Electricity Commissioners agree with the owner or former owner thereof that such owner shall manage and maintain such station or any part thereof for such period and on such terms as may be agreed upon between them.

Agreements for management of generating stations &c.

**63.—**(1) The Company and any authorised undertakers authorised to supply electricity in any area of supply in or adjacent to—

(a) the area of supply; or

(b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Act of 1903 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

may with the approval of the Electricity Commissioners enter into and carry into effect agreements or arrangements with regard to all or any of the following purposes (that is to say):—

(i) The use management or maintenance by the Company of any generating station or main transmission line or other work of such authorised undertakers;

(ii) The provision of capital required for carrying any such agreement or arrangement into effect and the appropriation and division of receipts arising under any such agreement or arrangement;

(iii) Any matters or things incidental to or connected with any of the purposes aforesaid.

(2) The provisions of subsections (2) and (3) of section 19 of the Electricity (Supply) Act 1919 shall extend and apply to any agreement or arrangement made under this section.

**64.** Nothing in the sections of this Act of which the marginal notes are "Supply in bulk" "Transfer of undertakings to Company" "Acquisition of generating stations &c." and "Agreements for management of generating stations &c." shall prejudice or affect any right or interest of any officer or servant of any authorised undertakers under the provisions of section 15 of the Electricity (Supply) Act 1926 and the enactments and schedule therein referred to and the said provisions shall extend and apply to any officer or servant of any authorised undertakers affected by the acquisition of or closing (permanent or temporary) or alteration in the working or use of a generating station or by the acquisition of a main transmission line or any part thereof under or in consequence of any contract or agreement entered into by the Company under the provisions of this Act with any local authority company or person and the provisions of the said section 15 and the enactments and schedule therein referred to shall apply and have effect as if such closing or acquisition were a closing or acquisition under or in consequence of the said Act of 1926 and such alteration were a restriction imposed by or under a scheme under that Act.

Compensation for deprivation of employment.

**65.** Section 41 (As to application for Provisional Orders) of the Act of 1903 shall be read and have effect as if the words "Provisional Orders under the Electric Lighting Acts 1882 and 1888" included Special Orders or other Orders under the Electricity (Supply) Acts 1882 to 1928 or under any Act extending or amending those Acts or any of them.

As to Special and other Orders.

A.D. 1930.

Power to  
construct  
sub-  
stations  
under  
streets.

**66.** The Company may subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and such of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as are incorporated with the Act of 1903 and this Act construct and maintain in or under any street being a public highway within the area of supply substations transforming stations and other works in connection with the undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient :

Provided that the Company shall not construct any such substation transforming station or works (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Laying  
mains in  
private  
streets.

**67.** For the purpose of supplying electricity to any premises within—

(a) the area of supply; or

(b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Act of 1903 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

(being a supply which the Company are by the Act of 1903 and this Act authorised to give) the Company may lay down take up alter relay or renew in across or along any street not maintainable by the local authority such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and such of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as are incorporated with the Act of 1903 and this Act so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes of this section as if all such streets had been specified in this Act :

Provided that nothing in this section shall empower the Company to lay down any mains wires or apparatus in across or along any private street belonging to a railway company without the consent of the railway company which consent shall not be unreasonably withheld. A.D. 1930.  
—

**68.** 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 shall apply to railways or tramways within the area of supply as if the Company were specially authorised to break up or interfere with the same by special powers inserted in this Act. Railway  
and  
tramway  
crossings.

**69.**—(1) The Company may with the consent in writing of the owner and occupier of any house building or land within the area of supply attach to such house or building or erect or place on under or across such land such posts standards poles supports conductors wires tubes mains plates cables boxes and apparatus as may be necessary or convenient for conveying transmitting or supplying electricity under the powers of the Act of 1903 and this Act. Erection  
of posts  
&c.

(2) The Company may with the like consent and with the consent of the local authority for such consideration and upon and subject to such terms and conditions as they may think fit permit any other company or any body or person to use for any purposes of or connected with any undertaking or business of such other company body or person any posts standards poles or other works or apparatus erected or constructed by the Company.

(3) Nothing in this section shall derogate from or affect any rights of the Company under the Electricity (Supply) Acts 1882 to 1928 or under any other provisions of the Act of 1903 and this Act.

**70.** Subsections (4) and (5) of section 22 of the Electricity (Supply) Act 1919 shall so far as applicable extend and apply to the execution of any works under the sections of this Act of which the marginal notes are respectively "Agreements with Government departments and others" "Agreements with railway companies for works" and "Erection of posts &c." or any contract agreement or arrangement made in pursuance of any of those provisions. For pro-  
tection of  
Post-  
master-  
General.

A.D. 1930.

—  
Power to  
erect  
telephones  
&c.

**71.** The provisions of the Act of 1903 and this Act and the Acts incorporated therewith shall so far as applicable to the purposes of this section and subject to the necessary modifications apply to the construction laying down erection and maintenance in any streets or roads in the area of supply of any telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to erect or lay down for the purposes of the undertaking but no posts wires conductors or apparatus shall be erected under this section in any street or road without the consent of the local authority which consent shall not be unreasonably withheld and any question whether or not any such consent has been unreasonably withheld shall be determined by the Electricity Commissioners :

Provided that any telephone or telegraph posts wires conductors or apparatus erected or laid down under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Supply of  
electricity  
by agree-  
ment.

**72.** A consumer (other than any authorised undertakers) supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply electricity within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Company under such agreement unless the provisions of that section are expressly excluded from application in the agreement and if the Company fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company.

Liability  
for failure  
to supply.

**73.** Whenever the Company make default in supplying electricity to any authorised undertakers to whom they may be required to supply electricity in

accordance with the provisions of the Act of 1903 and this Act they shall be liable to those undertakers in the same penalties as those for which the undertakers are liable under the provisions of their Acts or Orders and the amount of any penalty to be paid by the Company in the case of any such default shall not exceed the amount of any statutory penalties which have been found due and paid by such undertakers in consequence of the default and such undertakers shall have no claim against the Company if the default of the Company arises by reason of accidents which could not have been avoided by reasonable foresight or care or by reason of fire flood storm tempest breakdown of machinery or other casualty or force majeure or labour disputes or any other cause for which the Company cannot reasonably be held to be responsible or if the default is of so slight or unimportant a character as not materially to affect the value of the supply. A.D. 1930.

74.—(1) Any person who shall in any way hinder or prevent an officer appointed by the Company from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding forty shillings. Entry upon premises.

(2) Where any premises which the Company or their officers are entitled to enter in pursuance of the said sections or either of them are unoccupied the Company or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he or his address is unknown to the Company and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

75.—(1) The Company may provide sell let for hire or dispose of on terms of payment by instalments and fix repair maintain and remove electric lines fittings lamps and standards apparatus or appliances for lighting (whether for public lighting or otherwise) heating and motive power and for all other purposes for which electricity can or may be used and may provide all materials Power to deal in apparatus.

A.D. 1930. and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed. Provided that nothing in this section shall authorise the Company to manufacture any such electric lines fittings apparatus or appliances.

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

(3) Any electric lines fittings apparatus and appliances laid down erected or installed by or on behalf of the Company on consumers' premises and any lands buildings or works owned or occupied by the Company in connection therewith shall be deemed to form part of the undertaking.

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

Use of  
works and  
apparatus.

**76.** The Company may use for the purposes of any undertaking belonging to them and authorised by Act of Parliament or by a Provisional Special or other Order made under the Electricity (Supply) Acts 1882 to 1928 or any of them any mains wires works or apparatus laid down or provided by the Company for the purpose of any other undertaking so authorised and belonging to them.

Use of  
trans-  
formers.

**77.** Where a transformer is provided at the expense of the Company for the purpose of affording a supply of electricity to any consumer the Company may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

For pre-  
vention of  
improper  
use.

**78.** If any consumer of electricity supplied by the Company under the terms of any agreement uses the electricity supplied to him by the Company in any manner contrary to the terms of such agreement the Company may if they think fit discontinue to supply electricity to such consumer until they are satisfied that



any electricity so supplied will be used in accordance with the terms of such agreement: A.D. 1930.

Provided that before discontinuing any such supply the Company shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify in what respect the electricity is used contrary to the terms of such agreement.

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

**80.** The Company may acquire and hold patent and other rights (not being exclusive) in relation to the generation transmission and use of electricity and any works or apparatus connected therewith. Power to hold patent rights.

**81.—**(1) The provisions of sections 54 (For protection of county authorities) 56 (For protection of burghs of Stirling Falkirk Borrowstounness Alloa &c.) and 58 (For protection of works of burgh local authorities &c. in area of supply) of the Act of 1903 shall apply to the powers conferred upon the Company by this Act as if such powers had been included among the powers conferred upon the Company by the Act of 1903 Provided as follows:— For protection of local authorities &c.

(a) The said section 56 shall in its application to the district annexed to the burgh of Falkirk by the Falkirk Burgh Order 1929 be subject to the provisions of section 78 (For protection of Scottish Central Electric Power Company and Scottish Midlands Electricity Supply Limited) of that Order; and

(b) The said sections 56 and 58 shall be read and construed as if the Stirlingshire and Falkirk Water Board had been mentioned therein instead of the Falkirk and Larbert Water Trustees.

(2) Nothing in this section shall derogate from the powers of the Company under the provisions of section 21

A.D. 1930. (Overhead wires) of the Electricity (Supply) Act 1919 as amended by the Electricity (Supply) Act 1926.

For protection of Glasgow Corporation.

**82.** The Company shall not without the consent of the corporation of the city of Glasgow exercise any of the powers conferred by this Part of this Act within the limits of supply of the said Corporation for electrical energy as defined by the Glasgow Electric Lighting Acts 1890 to 1925.

For protection of railway companies.

**83.** Section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 in its application to the undertaking shall have effect as if after the words "electric signalling communication" wherever they occur in that section there were inserted the words "or electrical control of railways."

For protection of Admiralty.

**84.** Nothing contained in this Act or in the Acts incorporated therewith shall (a) affect any present or future right of the Admiralty to lay down electric mains and cables and to construct works for the purpose of conveying electricity to and from naval establishments belonging to them or (b) confer upon the company power to interfere without the consent of the Admiralty with any property or rights of the Admiralty.

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

**85.** The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides 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 in writing under hand 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 alteration or extension the like consent or approval. If any work be commenced altered extended 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 cost and charge 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 either as a debt due to the Crown or summarily as a civil debt.

A.D. 1930.  
—

**86.**—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

Abatement  
of work  
abandoned  
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

**87.** Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular 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 heritages subjects or rights of whatsoever

Crown  
rights.

A.D. 1930. description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

## PART V.

## MISCELLANEOUS.

Power to  
apply  
funds.

**88.** The Company may apply for or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the authority of the Act of 1903 or this Act and any funds under the control of the directors.

Applica-  
tion of  
moneys.

**89.** All moneys raised by the Company under this Act shall be applied to the general purposes of the Company to which capital is properly applicable.

Penalty for  
inter-  
ference  
with  
works.

**90.** If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any works or apparatus used by the Company for or in connection with the supply of electricity or do or cause to be done anything which is calculated to interfere with or damage such works or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

Recovery  
of penal-  
ties &c.

**91.** Save as otherwise by the Act of 1903 and this Act expressly provided all offences against the Act of 1903 and this Act and all penalties forfeitures costs and expenses imposed or recoverable under the Act of 1903 and this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Arbitra-  
tion.

**92.** Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbiter agreed on

between the parties or failing agreement appointed by the Minister of Transport on the application of either party after notice to the other. A.D. 1930. —

**93.** The following provisions of the Act of 1903 are hereby repealed (namely) :—

- Section 19 (Calls).
- Section 21 (Power to divide shares).
- Section 22 (Dividends on half-shares).
- Section 23 (Dividend on preferred shares to be paid out of profits of year only).
- Section 24 (Half-shares to be registered and certificates issued).
- Section 25 (Terms of issue to be stated on certificates).
- Section 26 (Forfeiture of preferred shares).
- Section 27 (Preferred shares not to be cancelled or surrendered).
- Section 28 (Half-shares to be half-shares in capital).
- Section 30 (As to borrowing power of Company).
- Section 31 (For appointment of a judicial factor).
- Section 36 (Qualification of directors).
- Section 37 (Quorum).
- Section 43 (Penalty for failure to supply in bulk).
- Section 70 (Transfer of undertakings of local authorities and others to Company).

**94.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

---

Printed by EYRE and SPOTTISWOODE, LTD.,  
FOR  
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;  
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.

