



CHAPTER CCXXXVII.

An Act for incorporating and conferring powers on the Shropshire and Worcestershire Electric Power Company. A.D. 1903.
[14th August 1903.]

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

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

And whereas plans showing the lands which may be taken or used compulsorily under the powers of this Act with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerks of the peace for the counties of Salop and Worcester and are herein-after referred to as the deposited plans and book of reference :

And whereas the aforesaid objects cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1903. and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title. **1.** This Act may be cited as the Shropshire and Worcestershire Electric Power Act 1903.

Application of Electric Lighting Acts. **2.** This Act shall be deemed to be a special Act within the meaning of the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 (which Acts are herein-after referred to as "the principal Acts") but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the Company or the undertaking.

Incorporation of Acts. **3.** The following Act and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act) are hereby incorporated with this Act (that is to say):—

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

The provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and the entry on lands by the Promoters of the undertaking: And the provisions of the schedule annexed to the Electric Lighting (Clauses) Act 1899 except the following provisions that is to say section 2 subsection (2) sections 3 5 7 to 9 21 to 29 30 (so far as regards a supply to authorised undertakers) 31 to 37 41 48 75 and 78 and any provisions (other than those of section 69) with respect to the revocation of the special order and the sections and provisions so excepted from incorporation shall not apply to the Company or the undertaking and section 81 of the said schedule shall not apply to any generating station or works erected on any of the lands described in the First Schedule to this Act.

Interpretation. **4.** In this Act the several words terms and expressions to which by the Electric Lighting Acts 1882 and 1888 or the Acts incorporated therewith or herewith meanings are assigned shall have the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to such construction And in this Act—

"The undertaking" means the undertaking by this Act authorised:

“The Company” means the Company incorporated by this Act who shall for the purposes of this Act be the undertakers within the meaning of the principal Acts: A.D. 1903.

“Local authority” means with respect to each part of the area of supply the local authority for that part:

“Authorised undertakers” means—

- (1) Any authority authorised by any general or special Act to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply as defined by this Act;
- (2) Any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy within the area of supply as defined by this Act (in this Act referred to as “the authorised distributors”);
- (3) Any county council so far as concerns any county bridge lunatic asylum or any hall or building belonging to or subject to their control.

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

6. William Marchant Charles Henry Wright and Walter Osmond Rooper and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes herein-after mentioned and for those purposes shall be and are hereby incorporated by the name of “The Shropshire and Worcestershire Electric Power Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property. Company incorporated.

7. The Company shall be established for the purpose of constructing erecting laying down maintaining working and using electric generating stations and works and producing generating using and supplying electrical energy or power and generally carrying out the powers and purposes of this Act and the powers General purposes and powers of Company.

A.D. 1903. of the Company shall include the acquisition construction erection maintenance enlargement alteration working and user or discontinuance sale letting and disposal of all such lands easements buildings collieries wharves works machinery plant stock electric current wires lamps motors fittings meters and apparatus material matter and things and the exercise of such powers and doing of such works and supply of such material and products matter and things as may be necessary or convenient in for or in connexion with or arise or be used in the production generation use storage regulation transforming transmittal measurement distribution and supply of such energy or power and shall include the fitting up and repairing of any such articles and things and all necessary powers for providing or working material matter and things for those purposes or any of them or for otherwise carrying on the undertaking.

Capital. **8.** The capital of the Company shall be three hundred thousand pounds in sixty thousand shares of five pounds each.

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

Calls. **10.** One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls.

Receipts in cases of persons not sui juris. **11.** If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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

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

A.D. 1903.

Dividend on
half shares.

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

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

15. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares
to be regis-
tered and
certificates
issued.

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

Terms of
issue to be
stated in
certificates.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred

Forfeiture of
preferred
shares.

A.D. 1903. half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

Half shares to be half shares in capital.

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

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

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

20. When one hundred thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land and such sum shall be deemed to be the prescribed sum for the purposes of section 17 of the Lands Clauses Consolidation Act 1845.

Power to borrow.

21. The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one third part of the amount of the capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued shall have been as to one half thereof paid up and the Company shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock have been issued and as to one half thereof paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

22. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to,

authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. A.D. 1903.

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

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

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

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

27. The qualification of a director shall be the possession in his own right of not less than two hundred shares. Qualification of directors.

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

29. William Marchant William Bentham Martin and Charles Hibbert Binney and any two other persons to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being. First directors.

A.D. 1903. — if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for
generating
stations.

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

Extinguish-
ment of
existing
rights of way
and construc-
tion of others
in place
thereof.

31. All the public rights of way existing at the passing of this Act over or affecting the land secondly described in the First Schedule to this Act in the hamlet of Upper Mitton and urban district of Stourport in the county of Worcester are hereby extinguished Provided that there shall be constructed in lieu thereof over the lands of the Company the two footpaths shown upon the plan signed by the engineer to the Company and the surveyor to the urban district council of Stourport each of the said footpaths to be of the uniform width throughout of four feet six inches and to be formed and made by and at the cost of the said council the Company to pay to the said council previous to their commencing the work of diversion and construction the sum of one hundred and fifty pounds as compensation for the costs they will incur in the work of such diversion and construction The footpaths so constructed shall become vested in the said council and be subject to the same rights and liabilities as the footpaths

hereby extinguished. Provided further that the council shall complete the diversion and construction of the said footpaths within two months after receipt by them of the said sum of one hundred and fifty pounds and that the Company shall not close up or extinguish the existing rights of way until the said council shall have constructed and completed the new footpaths as shown upon the said plan.

A.D. 1903.

32. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply:—

For protection of Great Western Railway Company.

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across or under the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to plans and sections previously submitted to and approved by him in writing and if the same shall not have been so approved by him within twenty-eight days of such submission he shall be deemed to have disapproved thereof so as to enable the matter to be forthwith referred to arbitration:

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

A.D. 1903.

- (3) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across under or over which any of the works of the Company may have been constructed or laid the Great Western Company may on giving to the Company twenty-eight days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge then on giving as long a notice as possible divert support or carry the said works of the Company across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works Provided that such works shall be executed without unduly interfering with the electric supply of the Company :
- (4) Any additional expense which the Great Western Company may reasonably and properly incur in widening or altering their railway or works by reason of the existence of any electric lines of the Company across or under the same shall be paid by the Company :
- (5) The Company shall pay the cost of such additions to or alterations in the earth or metallic circuits of the Great Western Company as the Board of Trade may consider necessary to prevent interference with the signals and apparatus of the Great Western Company by reason of the cables and electric lines of the Company crossing the railways bridges and property of the Great Western Company :
- (6) Any dispute or difference which may arise between the Great Western Company and the Company with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Company or either of them.

33. For the protection of the Shropshire Union Railways and Canal Company (in this section referred to as "the Shropshire Union Company") the following provisions shall unless otherwise agreed between the Company and the Shropshire Union Company apply and have effect (that is to say) :—

A.D. 1903.
For pro-
tection of
Shropshire
Union Rail-
ways and
Canal Com-
pany.

- (1) The Company shall not in the exercise of any of the powers of this Act enter upon or acquire or interfere in any way with or injure or carry any main pipe wire or other work over along or across any canal reservoir lock aqueduct bridge culvert feeder towing path embankment or other work or property of the Shropshire Union Company or any road repairable by them and shall not in any way impede the navigation of any canal of that company or the traffic to from or along the same or the towing-path thereof without in every case the previous written consent of that company :
- (2) All works in any way affecting the canal works or property of the Shropshire Union Company or any road repairable by them shall be executed by the Company under the superintendence of and to the reasonable satisfaction of the engineer of the Shropshire Union Company and in accordance with plans sections and specifications to be previously submitted to and approved by him :
- (3) If and whenever the Company in executing the works and exercising the powers by this Act authorised and conferred shall injure or damage any canal work or property of the Shropshire Union Company that company may make good the injury or damage and recover from the Company all expenses thereby incurred :
- (4) The Company shall be answerable for all accidents damages and injuries happening to the canal works or property of the Shropshire Union Company through or resulting from the act or default of the Company their contractors or servants by reason of or in consequence of any of the Company's works and shall save harmless the Shropshire Union Company from all damages and costs in respect of such accidents damages and injuries :
- (5) If and as often as at any time hereafter the Shropshire Union Company shall have occasion to alter repair raise or rebuild any canal bridge aqueduct culvert or work belonging to them upon over under through along across or by the

A. D. 1903.

side of which any main pipe wire or other work may be carried or laid by the Company any alteration of such main pipe wire or other work that may in the opinion of the engineer of the Shropshire Union Company be necessary in connexion therewith shall be made and the main pipe wire or other work shall be replaced by and at the expense of the Company but no such altering repairing raising or rebuilding shall be commenced except in cases of emergency until fourteen days after notice of the intention of the Shropshire Union Company in that behalf shall have been given by the Shropshire Union Company to the Company and if the Company fail or neglect to alter such main pipe wire or other work the engineer of the Shropshire Union Company may make such alteration thereof as he may consider necessary and the Shropshire Union Company may recover from the Company all expenses of and consequent upon such alteration as or by way of ascertained damages and the Shropshire Union Company shall not be liable to make compensation for any damage loss or injury occasioned by any alteration of any such main pipe wire or other work.

Restriction
on taking
houses of
labouring
class.

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

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

For the purposes of this section the expression "labouring class" means mechanics 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 such persons who may be residing with them and the word "house" means any house or part of a house occupied as a separate dwelling. A.D. 1903.

35. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement for the purposes of their undertaking and may hold let sell or dispose of any lands or tenements not exceeding twenty-five acres or any easements in lands or hereditaments and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold depôts yards wharves offices buildings stations sidings works and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section. Purchase of additional lands by agreement.

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

37. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they Correction of errors &c. in deposited plans and book of reference.

A.D. 1903. shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and such certificate shall be kept by such clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and exercise the powers in accordance with such certificate.

Period for compulsory purchase of lands.

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

Area of supply.

39. Subject to the provisions of this Act the area of supply shall be the whole of the counties of Salop and Worcester.

For protection of corporation of Worcester.

40. For the protection and benefit of the mayor aldermen and citizens of the city of Worcester (in this section called "the Worcester Corporation") the following provision shall apply and have effect (that is to say):—

The Company shall not without the consent of the Worcester Corporation supply energy within or to be used within the city of Worcester nor to any company or person for the purposes of any premises or undertaking wholly or partly within or within one mile of the boundary of the said city who is receiving or has within six months previously received a supply of energy for the purposes of such premises or undertaking from the Worcester Corporation.

For protection of corporation of Oswestry.

41. For the protection and benefit of the mayor aldermen and burgesses of the borough of Oswestry (in this section called "the Oswestry Corporation") the following provision shall apply and have effect (that is to say):—

The Company shall not without the consent of the Oswestry Corporation lay their cables or supply energy in bulk or otherwise within or to be used within the borough of Oswestry.

For protection of corporation of Shrewsbury.

42. For the protection and benefit of the mayor aldermen and burgesses of the borough of Shrewsbury (in this section called "the Shrewsbury Corporation") the following provision shall apply and have effect (that is to say):—

The Company shall not without the consent of the Shrewsbury Corporation supply energy within or to be used within the

A.D. 1903.

borough of Shrewsbury nor to any company or person for the purposes of any premises or undertaking wholly or partly within or within one mile of the boundary of the said borough who is receiving or has within six months previously received a supply of energy for the purposes of such premises or undertaking from the Shrewsbury Corporation.

43. For the protection and benefit of the urban district councils of Oldbury and Wellington (Salop) (in this section respectively referred to as "the council") the following provision shall apply and have effect (that is to say):—

For protection of urban district councils of Oldbury and Wellington (Salop).

The Company shall not without the consent of the council lay their cables or supply energy in bulk or otherwise within or to be used within the district of the council.

44. For the protection and benefit of the Kidderminster and District Electric Lighting and Traction Company Limited (in this section called "the limited company") the following provision shall apply and have effect (that is to say):—

For protection of Kidderminster and District Electric Lighting and Traction Company Limited.

The Company shall not without the consent of the limited company lay their cables or supply energy in bulk or otherwise within or to be used within the borough of Kidderminster.

45. For the protection and benefit of the Oswestry Electric Lighting Company Limited (in this section referred to as "the lighting company") the following provision shall apply and have effect (that is to say):—

For protection of Oswestry Electric Lighting Company Limited.

The Company shall not except with the consent of the lighting company supply energy in bulk or otherwise within or to be used within the borough of Oswestry.

46. In executing the works and exercising the powers by this Act authorised the following provisions for the protection of the county council of the county of Worcester (herein-after in this section referred to as "the county council") shall have effect unless otherwise agreed on in writing between the county council and the Company (that is to say):—

For protection of Worcestershire County Council.

- (1) All electric lines to be laid in or under any roads repairable by the county council shall be constructed and laid in positions to be first approved by the county council:
- (2) All electric lines which shall be constructed or laid in upon across or alongside any bridge under the jurisdiction of or repairable by the county council or any arch connected

A.D. 1903.

therewith shall be constructed or laid in upon across or alongside such bridge and arches as and in such manner as may be agreed on between the Company and the county council or as failing agreement may be settled by arbitration as herein-after provided and the Company may notwithstanding anything in this Act or in the principal Acts construct lay down erect and maintain such electric lines accordingly :

- (3) All works of or connected with the laying down of any electric lines in or under any road repairable by the county council or in across or alongside any bridge under the jurisdiction of or repairable by the county council shall be so executed as not to stop or unreasonably interfere with the traffic of such road or bridge and all such works shall be proceeded with and completed with all possible despatch :
- (4) All works of the Company so far as laid in or under any road repairable by the county council shall be constructed of such strength as to support the weight of any heavy traffic without injury :
- (5) The Company shall pay to the county council the reasonable cost in relation to the examination of any plan served on them in accordance with the Electric Lighting (Clauses) Act 1899 and the superintendence authorised thereby or by the principal Acts of any works of the Company :
- (6) Nothing in this Act nor in the principal Acts shall in any way limit or affect the powers of the county council to divert widen raise drain or improve any road repairable by them or to remove alter widen raise or rebuild any bridge under their jurisdiction or repairable by them or the approaches thereto in upon across or alongside or near to which any electric lines of the Company are laid or carried in the same manner as they might have done if this Act had not been passed without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of the reasonable exercise of such powers Any alteration of the position of any electric lines of the Company necessitated by the diversion widening raising draining or improvement of such road or the removal alteration widening raising or rebuilding of such bridge shall be effected by and at the expense of the Company and within such reasonable period as shall be required by the county council and if in order to avoid interruption to the

supply of electrical energy by the Company it is necessary to do so the Company may temporarily carry their electric lines overhead or at the side of any such road bridge or approaches in such manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council Provided that before such diversion widening improvement removal alteration raising or rebuilding of any such road or bridge shall be commenced the county council shall give one month's notice in writing to the Company of their intention to carry out such works :

- (7) The county council shall not except in the case of their negligence be liable to any claim for damages in respect of any injury which may be caused to the electric lines of the Company through the use by the county council or their agents of a steam roller scarifier or other similar appliance upon any road or bridge or through the reasonable exercise of any rights functions powers or privileges vested or to be vested in the county council :
- (8) If owing to the abandonment of the undertaking or any part thereof any electric line laid under the powers of this Act in or under any road repairable by the county council or in or under any bridge under their jurisdiction or repairable by them shall for the space of three years be disused and such disuser be proved to the satisfaction of the Board of Trade or if the powers of the Company shall by virtue of the section of this Act the marginal note whereof is "Cesser of powers" at any time cease the said Board may if they think fit by order sanction the removal of such electric line and the county council may (subject however to any agreement between the county council and the Company providing for the removal of such electric line by the Company) forthwith remove the same with all reasonable care and the Company shall pay to the county council the reasonable cost of such removal and of the reinstatement of such road or bridge in which the same was laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the county council may without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the electric line so

A.D. 1903.

removed either by public auction or private sale and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of such road or bridge and the costs of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the county council to the Company :

- (9) If any road repairable by the county council is broken up by the Company for the purposes of their undertaking or any bridge under their jurisdiction or repairable by them or any culvert drain pipe or other property of the county council is damaged by the Company the Company shall repair such road bridge culvert drain pipe or other property to the reasonable satisfaction of the county council and if the same is not so repaired the county council may cause the necessary repairs to be done and may charge the costs against the Company and the same shall be a debt due from the Company to the county council Provided that the rights or obligations conferred or imposed by this section shall be in addition to and not in substitution for any rights or obligations conferred or imposed by this Act or the Acts incorporated therewith or by the Electric Lighting Acts 1882 and 1888 and any Acts incorporated therewith and in particular such provisions of the Gasworks Clauses Act 1847 with respect to breaking up streets as are incorporated in the principal Acts and set out in the Appendix to the Schedule to the Electric Lighting (Clauses) Act 1899 :
- (10) The Company shall to the reasonable satisfaction of the county council keep the portion of all roads repairable by the county council which shall be broken up by the Company for the purpose of constructing laying or repairing any works by this Act authorised in good repair for twelve months after replacing and making good the same :
- (11) The Company shall be answerable for all accidents damages and injuries happening upon any road repairable by the county council through the act or default of the Company or through the act or default of any person in their employment by reason or in consequence of the works by this Act authorised and in particular by reason of the carriageway or footway of any road or bridge or

the approaches thereto which the Company have power to break up or which the Company are under obligation to repair not being properly reinstated or repaired and kept so reinstated and repaired as to prevent subsidence of the surface by them and the Company shall save harmless the county council and their officers and servants from all damages and costs in respect of such accidents damages and injuries. The liability under this section shall only cease from the date of a certificate in writing given by the county road surveyor of the county of Worcester by direction of the county council to the effect that the road or the portion thereof damaged by the Company has been properly reinstated and repaired :

A.D. 1903.

(12) Except as in this Act otherwise expressly provided no electric lines shall be placed overhead along across or by the side of any road repairable by the county council or any bridge under their jurisdiction or repairable by them or any approach thereto without the consent of the county council to be given or withheld at their absolute discretion :

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

47.—(1) Any electric lines laid down by the Company under the powers by this Act granted under any street shall be laid in such line or route and in such position as may be agreed between the Company and the local authority or as failing agreement shall be settled by the Board of Trade. And the Company shall show on the plan of the works to be served on such local authority in accordance with the provisions of the Electric Lighting (Clauses) Act 1899 incorporated with this Act the route proposed to be taken.

As to route
for electric
lines.

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

A.D. 1903.

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

(3) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

Notice to be given.

48. When applying to the Board of Trade for their consent to the placing of any electric line above ground the Company shall give notice of such application to every company body or person owning or working any tramway or light railway which would be situate within ten yards of such electric line and before giving such consent the Board of Trade shall consider any objections or representations which such company body or person may offer and the consent of the Board may be given subject to any conditions for the protection of the works of such company body or person.

Overhead wires.

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

Power to lay down pipes.

50.—(1) It shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any materials matters or things used by them in or resulting from the process of generating or transforming electricity to or from any generating station by this Act authorised and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes.

(2) The Company shall not in the exercise of the powers of this section alter or interfere with any aqueduct or water main of any local authority or any gas main or pipe of such authority otherwise than in such manner as may be approved by such board or local authority and where any pipe to be laid by the

Company under the powers of this section crosses over or under or otherwise affects any such aqueduct main or pipe the same shall be laid down under the superintendence and to the reasonable satisfaction of the engineer of such board or local authority. A.D. 1903.

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

- (1) Energy shall be supplied by the Company only—
 - (A) To authorised undertakers ; and
 - (B) To persons requiring a supply for power :

- (2) The Company shall not supply energy for lighting purposes except to authorised undertakers provided that the energy supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised. Provided that where energy is supplied for power within the area of supply of any authorised distributors the energy used by such person for such lighting purposes in any year except with the consent in writing of the authorised distributors shall not exceed the amount of energy used by such person for power.

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

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

Provided that any local authority which during the present or next ensuing session of Parliament may become authorised by

A.D. 1903. Provisional Order granted by the Board of Trade under the principal Acts and confirmed by Parliament to supply energy within any part of the area of supply under this Act shall be deemed to have been at the date of the passing of this Act authorised distributors within the area of supply as defined by such Order.

Local authorities and others may apply for Provisional Order.

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

Company to furnish supply of energy.

53. The Company shall supply energy to any authorised undertakers or to any person to whom the Company is under the powers of this Act entitled to give a supply of energy and shall furnish and lay such electric lines as may be necessary for that purpose upon the terms and subject to the conditions following (that is to say) :—

Any such authorised undertaker or person requiring a supply of energy shall—

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

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

Provided that any person other than a local authority so requiring a supply of energy shall give to the Company (if required by them to do so) security for the payment of all moneys which may become due to the Company under such contract : A.D. 1903.

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

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

54. Whenever the Company make default in supplying energy to any authorised undertakers to whom they may be and are required to supply energy in accordance with the provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds for each day on which the default occurs. Provided that the penalties to be inflicted on the Company under this section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of five hundred pounds. And provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply but want of funds shall not be deemed an inevitable accident. Penalty for failure to supply.

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

56. The maximum power with which any authorised undertakers or person shall be entitled to be supplied shall be of such amount as they may require to be supplied with not exceeding what may be reasonably anticipated as their maximum consumption. Limitation of demand for maximum powers.

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

A.D. 1903.

Stated
prices.

57. The prices to be charged by the Company shall not except as herein-after provided exceed those respectively stated in that behalf in the Second Schedule to this Act and herein-after referred to as "the maximum prices" and such prices shall include the cost of transforming the energy supplied (if so required by the authorised undertakers or persons supplied) to such pressure as such undertakers or persons may reasonably require but nothing in this section or in the principal Acts shall prevent the Company from making any agreement as herein-after provided.

Relation of
price to
dividend.

58.—(1) Except as herein-after provided the dividend payable by the Company on the capital of the Company in any year shall not exceed ten pounds in respect of every hundred pounds paid up of such capital.

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

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

(4) The Company may in addition to the dividends authorised under this Act make good any deficiency in any previous dividends which have fallen below the yearly rate of ten pounds per centum per annum.

Revision of
prices.

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

(2) The Board of Trade may if they think fit on the like application make a similar revision at the expiration of a period

of ten years from the date at which the last such revision has taken place. A.D. 1903.

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

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

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

61. The Company and any authorised undertakers or any person to whom the Company are entitled to give a supply of energy may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say) :— Agreements for supply of energy.

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

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

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

62. The Company and the proprietors or trustees of any canal or navigation or other body or person may enter into and carry into effect contracts agreements and arrangements for and Agreements with regard to supply of water.

A.D. 1903. — with respect to the supply of water to the Company for condensing and other purposes of their undertaking by any such proprietors trustees body or person.

Company may
apply for
Provisional
Orders.

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

Cesser of
powers.

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

Recovery of
demands
under fifty
pounds.

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

Costs of
Act.

66. 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1903.

FIRST SCHEDULE.

LANDS FOR GENERATING OR POWER STATIONS.

STATION NO. 1.

(1) A plot of land in the parish of Hadley in the county of Salop bounded on the north and south by the London and North Western Railway and being field numbered 533 on the Ordnance map (scale $\frac{1}{2500}$) of that parish (published 1902).

STATION NO. 2.

(2) A plot of land in the hamlet of Upper Mitton and urban district of Stourport in the county of Worcester bounded on the south by the Great Western Railway (Severn Valley Branch) and on the west by the Staffordshire and Worcestershire Canal and being field numbered 79 on the latest Ordnance map (scale $\frac{1}{2500}$) of that district.

SECOND SCHEDULE.

MAXIMUM PRICES TO BE CHARGED IN RESPECT OF A SUPPLY OF ENERGY.

In this schedule the expression "unit" shall mean the energy contained in a current of 1000 ampères flowing under an electro-motive force of one volt during one hour.

SECTION I.

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

- (1) For any quantity not exceeding the equivalent of two hundred hours of supply at the maximum power which has been demanded by him at the rate of threepence per unit:
- (2) For any further quantity exceeding the equivalent of two hundred hours of supply at such maximum power at the rate of twopence per unit.

A.D. 1903.

SECTION II.

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

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.