



CHAPTER ccxlvii.

An Act to authorise the corporation of Dover to borrow money for the purchase of the undertaking of the Dover Electricity Supply Company Limited and for other purposes. A.D. 1903.
[14th August 1903.]

WHEREAS by an agreement dated the twenty-sixth day of March one thousand nine hundred and two and made between the Dover Electricity Supply Company Limited (in this Act referred to as "the company") of the one part and the mayor aldermen and burgesses of the borough of Dover (in this Act referred to as "the Corporation") of the other part the company agreed to sell and the Corporation to purchase the undertaking business and goodwill of the company on the terms and conditions therein set forth :

And whereas by the Dover Electric Lighting Order 1902 (in this Act referred to as "the Order of 1902") confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1902 the Corporation were empowered to supply electricity within the area of supply described in the First Schedule to that Order :

And whereas by section 4 of the Order of 1902 it is provided that the Order shall not except as provided by that section come into force or have any effect notwithstanding the confirmation thereof by Parliament until such date as the Board of Trade fix in accordance with that section and the Order further provides that the Board of Trade shall fix a date for the commencement of the Order when they are satisfied that the Corporation have completed the purchase of the undertaking of the company in accordance with the said agreement :

And whereas by reason of the limitation of the borrowing power contained in the Electric Lighting Act 1882 (coupled with the provisions of the Public Health Act 1875) the Corporation are unable to borrow under those Acts the amount necessary for the

A.D. 1903. — completion of the purchase of the undertaking of the company and it is expedient that the Corporation should be empowered to borrow the moneys as by this Act provided :

And whereas it is expedient to make such other provisions as this Act contains :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for and in connection with the purchase of the undertaking of the company and such estimates amount to the sum of one hundred and fifty thousand pounds :

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-fifth day of November one thousand nine hundred and two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Dover Express* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said *Dover Express* and has received the approval of the Local Government Board :

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PRELIMINARY.

A.D. 1903.

1. This Act may be cited as the Dover Corporation Act 1903. Short title.

2. In this Act the several words and expressions to which meanings are assigned by the Dover Corporation Act 1901 or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires— Interpretation.

“The Corporation” means the mayor aldermen and burgesses of the borough of Dover;

“The borough” means the borough of Dover;

“The council” means the council of the borough;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the borough.

FINANCIAL PROVISIONS.

3.—(1) The Corporation may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):— Power to borrow.

(A) For and in connection with the purchase of the undertaking of the company the sum of one hundred and fifty thousand pounds:

(B) For paying the costs and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) In addition to the moneys which the Corporation are by this section authorised to borrow they may borrow such further moneys for or in connection with their electricity undertaking as the Local Government Board may sanction.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of their electricity undertaking and the district fund and general district rate or either of such securities.

4. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):— Periods for discharge of loans.

As to moneys borrowed for the purpose (A) mentioned in the last preceding section within thirty-five years from the date or dates of the borrowing of the same:

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As to moneys borrowed for the purpose (B) in the last preceding section mentioned within five years from the date or dates of the borrowing of the same :

As regards moneys borrowed with the sanction of the Local Government Board within such period as they may think fit to sanction.

Incorporation of sections from Act of 1901.

5. The following sections of the Dover Corporation Act 1901 are incorporated with this Act and shall extend and apply in regard to moneys borrowed under this Act as if those sections with the necessary modifications were set out in this Act (namely) :—

Section 45 Certain regulations of Public Health Act 1875 as to borrowing not to apply.

Section 46 Provisions of Public Health Act 1875 as to mortgages.

Section 48 Mode of payment off of money borrowed.

Section 49 Sinking fund.

Section 50 Protection of lender from inquiry.

Section 51 Corporation not to regard trusts.

Section 52 Appointment of receiver.

Section 53 Power to reborrow.

Section 54 Return respecting sinking fund to Local Government Board.

Section 55 Application of money borrowed.

Corporation to keep separate accounts of electric and tramway undertakings.

6. The Corporation shall keep separate accounts of their receipts and expenditure for their electricity undertaking the tramways and the public lighting respectively both on capital and revenue account and they may apportion between those accounts or any two of them any expenditure incurred for purposes common to all or both such undertakings but in such apportionment regard shall be had to the undertaking primarily benefited to which such expenditure shall be debited or credited as the case may be.

Annual estimate and charges for electric supply.

7. The Corporation shall once in every year after acquiring their electricity undertaking cause to be laid before them an estimate showing the probable financial result of the next ensuing year's working of the said undertaking and the Corporation shall thereupon fix the charges to be made for the supply of energy in the then ensuing year such charges to be calculated so that as far as reasonably practicable the revenue of the year shall not be less than the expenditure for that year (including in such expenditure the interest and instalments of capital which will become due during the same year in respect of the same but not including any expenditure properly chargeable to capital account) and any loss

incurred in carrying on the undertaking in such year shall be taken into account and debited in the estimate for the next ensuing year
Provided that as regards the charge for the supply of energy for public lighting and tramway purposes the same shall be at a rate not greater than the price which at the same time is charged to the general body of their consumers for energy supplied.

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8. Any expenses incurred by the Corporation in carrying into effect the provisions of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and the provisions of section 7 of that Act shall extend and apply accordingly to such expenses and any moneys received by the Corporation under this Act other than borrowed moneys shall be applied in manner provided by section 7 (Application of money received by local authorities as undertakers) of the Schedule to the Electric Lighting (Clauses) Act 1899.

As to ex-
penses.

9. Notwithstanding anything contained in section 9 of the Electric Lighting Act 1882 the annual statement of accounts of the electricity undertaking of the Corporation shall after the passing of this Act be filled up on or before the twenty-fourth day of June in every year and shall be made up to the thirty-first day of March next preceding and section 9 of the Electric Lighting Act 1882 shall as from the passing of this Act be read and have effect as regards the undertaking of the Corporation as if the twenty-fourth day of June and the thirty-first day of March were therein mentioned instead of the twenty-fifth day of March and the thirty-first day of December.

Alteration
of date for
filling up
annual ac-
counts relat-
ing to elec-
tricity under-
taking.

MISCELLANEOUS PROVISIONS.

10. If the local authority for any district adjoining the area which the Corporation are for the time being authorised to supply with electrical energy are or shall be authorised by Provisional Order confirmed by Parliament to supply energy or if any company shall be authorised to supply energy in any such district the Corporation and any such local authority or company may with the approval of the Board of Trade enter into and carry into effect agreements for the supply of electrical energy in bulk by the Corporation to such local authority or company.

Supply of
electrical en-
ergy outside
borough.

11. The Corporation on the one hand and any local authority company or person owning or working light railways or tramways without the borough which are connected directly or indirectly with light railways or tramways within the borough on the other hand may enter into and carry into effect agreements for the supply

Supply of
electrical
energy for
traction pur-
poses.

A.D. 1903. by the Corporation to such authority company or person of electrical energy for the purposes for which such authority company or person is empowered to use the same Provided that no energy shall be supplied or shall continue to be supplied by the Corporation under the provisions of this section in any district in which any local authority company or person shall be supplying energy under statutory authority without the consent in writing of such local authority company or person.

Power to supply electric fittings.

12. The Corporation may provide sell let for hire and fix set up alter repair and remove (but shall not manufacture) meters and electric lines for lighting and motive power and for all other purposes for which electrical energy can or may be used or otherwise necessary or proper for the supply distribution consumption or use of electrical energy and may provide all materials and do all works necessary or proper in that behalf and may require and take such remuneration in money or such rents and charges for and make such terms and conditions with respect to the sale letting fixing setting up altering repairing or removing of such meters and electric lines as aforesaid and for securing their safety and return to the Corporation as the Corporation may think fit or as may be agreed upon between them and the person to or for whom the same are sold let fixed set up altered repaired or removed But the Corporation or their servants shall not be entitled to enter upon consumers premises for the purposes of undertaking wiring or installation work.

Corporation may refuse to supply electrical energy in certain cases.

13. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

As to supply of electricity where consumer has separate supply.

14.—(1) Notwithstanding anything contained in the Electric Lighting Acts 1882 and 1888 and the Electric Lighting (Clauses) Act 1899 a person shall not be entitled to demand from the Corporation a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and other standing charges incurred by the Corporation to meet the possible maximum demand of such person.

(2) In case the Corporation and the person demanding such supply of electrical energy shall fail to agree as to the amount of such minimum annual sum to be paid by such person the amount

of such minimum annual sum shall be fixed by an arbitrator to be appointed by the Board of Trade. A.D. 1903.

15.—(1) The Corporation may by agreement purchase take on lease and hold any lands (not exceeding ten acres) which they may require for any of the purposes of their electricity undertaking and they may also with the approval of the Local Government Board appropriate and use for any of the purposes of this Act any corporate lands or other lands for the time being vested in the Corporation which are not wanted for the purpose for which such lands were originally acquired but the Corporation shall not create or permit any nuisance on any such lands. Purchase
and appro-
priation of
lands.

(2) In any appropriation or user of lands under the provisions of this section the Corporation shall debit the account for which the said lands are appropriated or used with a reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

16.—(1) The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction
on taking
houses of
labouring
class.

(2) If the Corporation 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 it think fit reduce such penalty.

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

17.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the Inquiries
by Local
Government
Board.

A.D. 1903. — giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Copy of Act
to be regis-
tered.

18. The Corporation shall forward to the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not forwarded within three months from the passing of this Act the Corporation shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily.

There shall be paid to the registrar by the Corporation on such copy being recorded the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Costs of Act.

19. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate and ultimately out of the moneys to be borrowed under this Act.

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