

**CHAPTER lxxiii.**

An Act to confer further powers upon the Leicestershire and Warwickshire Electric Power Company and for other purposes. A.D. 1904.
[22nd July 1904.]

WHEREAS by the Leicestershire and Warwickshire Electric Power Act 1902 (hereinafter called "the Act of 1902") the Leicestershire and Warwickshire Electric Power Company (hereinafter called "the Company") were incorporated and authorised (amongst other things) to acquire lands and buildings to erect certain electrical generating stations and other works and to supply electricity within parts of the counties of Leicester and Warwick and to raise capital for the purpose :

And whereas by the said Act of 1902 the powers of the Company for making a substantial commencement of the works for carrying out the powers of that Act were limited to two years from the passing thereof and the powers of the Company for providing generating stations sufficient in the opinion of the Board of Trade for supplying the whole or part of the area of supply were limited to four years from the passing thereof and it is expedient that such periods be extended as by this Act provided :

And whereas section 30 of the Act of 1902 authorises the Company to construct stations for generating electricity on the lands described in the First Schedule annexed to that Act and by section 32 of the same Act the Company are authorised to purchase by agreement for the general purposes of their undertaking other lands than those described in the said schedule and it is expedient that the Company be empowered to construct stations for generating electricity on any of the lands acquired by agreement and not be limited to the lands described in the said schedule :

A.D. 1904.

And whereas Provisional Orders under the Electric Lighting Acts 1882 and 1888 have been granted to local authorities and other undertakers for the lighting of several districts and places within the Company's area for the supply of electricity and the Company are desirous of having power to acquire by agreement such undertakings authorised by Provisional Orders so granted as the undertakers may be willing to transfer to them and to supply electric energy under such Provisional Orders in and to the districts and places to which the undertakings so transferred relate and it is expedient that the necessary powers should be conferred on the Company and such undertakers respectively and that section 64 of the said Act of 1902 should be extended in manner provided by this Act:

And whereas it is expedient that the Company be authorised to pay interest out of capital during construction of works as by this Act authorised:

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

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

Short title.

1. This Act may be cited as the Leicestershire and Warwickshire Electric Power Act 1904.

Amendment of section 2 of Act of 1902.

2. So much of section 2 of the Act of 1902 which provides that sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the Company or their undertaking is hereby repealed and from and after the passing of this Act the said sections shall not apply to the undertaking under the Act of 1902 and to the Company in relation to that undertaking.

Extension of time for commencing works and providing generating stations under Act of 1902.

3. The period limited by section 67 of the Act of 1902 for making a substantial commencement of the works for carrying out the powers granted to the Company by the said Act is hereby extended to a period of two years from the twenty-second day of July one thousand nine hundred and four and the period prescribed by the said section of the same Act for the Company providing generating stations sufficient in the opinion of the Board of Trade for supplying the whole or part of the area of supply is hereby

extended to a period of two years from the twenty-second day of July one thousand nine hundred and six. A.D. 1904.

4. The powers conferred on the Company by section 30 of the Act of 1902 for the construction of stations for generating electricity on the lands described in the First Schedule to that Act are hereby extended and the Company may on any other lands acquired by agreement under the authority of section 32 of the same Act construct stations for generating electricity. Provided that the Company shall not be exonerated from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased held or taken on lease by agreement under the said section 32 and nothing in this section shall authorise the Company to construct a station for generating electricity outside the area of supply as defined by the Act of 1902.

Amendment
of sections
30 and 32 of
Act of 1902.

5. Section 64 of the Act of 1902 is hereby repealed and in lieu thereof the following provisions shall have effect (viz.) :—

- (1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional Order under the Electric Lighting Acts 1882 and 1888 shall have been or may be granted relating to a district or place within the Company's area of supply the undertaking authorised by such Provisional Order and the powers rights authorities and privileges of the undertakers under any such Provisional Order and any such undertakers to whom a Provisional Order has prior to the date of the passing of this Act been granted (whether such Order has been confirmed before or shall be confirmed after such date) may with the approval of the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company on such terms and conditions as may be agreed upon and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them and the provisions of such Provisional Order shall apply to the supply of electricity by the Company within the area of supply as defined by such Order. Provided that—

Transfer of
undertakings
of local au-
thorities and
others to
Company.

(A) In the event of the Company acquiring from any local authority or other undertakers any Provi-

A.D. 1904.

sional Order within the area of supply they shall be allowed to charge for electric energy given under such Order such rates as any such Order prescribes but for power the rates charged by the Company shall not exceed those prescribed by the Act of 1902;

(B) In the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority the provisions of the Electric Lighting (Clauses) Act 1899 shall from and after such transfer be deemed to have been incorporated with such Provisional Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith;

(c) None of the provisions of any Provisional Order so acquired by the Company or of the Electric Lighting Acts 1882 and 1888 shall extend to authorise the purchase by any local authority of any generating station or other works of the Company used or required for the purposes of supplying any other portion of the Company's area of supply;

(D) In the event of any Provisional Order and the undertaking thereby authorised being acquired by the Company under this section the provisions of the Electric Lighting Act 1888 and the Electric Lighting (Clauses) Act 1899 shall subject to any modifications of those Acts made by any such Order apply to that undertaking and where the undertakers are a local authority the undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888 Provided that the periods at which the local authority may under the provisions of the said section repurchase the undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company:

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

6. Notwithstanding anything in the Act of 1902 or any Act or Acts incorporated therewith contained it shall be lawful for the Company to pay out of any money by the Act of 1902 authorised to be raised interest at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of any shares in the capital of the Company on the amount from time to time paid up on such shares held by him from the respective times of such payments until the expiration of four years from the date of the passing of this Act or such less period as the said directors may determine but subject always to the conditions hereinafter stated (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that one fifth at least of the share capital authorised by the Act of 1902 has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) The expression "issued and accepted" in subsection (A) of this section shall be deemed to include shares agreed to be taken under contract notwithstanding the provision of section 9 of the Act of 1902 Nothing in this section shall in any way affect the amounts of or dates of payment in respect of the sums to be paid under any contracts entered into by the Company :
- (E) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the

A.D. 1904.
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period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares :

(F) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by the Act of 1902 or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Power to
apply funds.

7. The Company may apply for or towards the purposes of this Act and the Act of 1902 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 1902 as amended by this Act.

Costs of Act.

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

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