

[5 EDW. 7.] *North Metropolitan Electric Power* [Ch. clxxvi.]
Supply Act, 1905.



CHAPTER clxxvi.

An Act for extending the limits of supply of and for A.D. 1905.
conferring further powers upon the North Metropolitan
Electric Power Supply Company and for other purposes.
[4th August 1905.]

WHEREAS under and by virtue of the North Metropolitan Electric Power Supply Acts 1900 to 1903 the North Metropolitan Electric Power Supply Company (in this Act called "the Company") were authorised to establish stations for generating electrical power and to supply electrical energy within certain portions in the said Acts or some or one of them defined of the counties of Middlesex Herts and Essex:

And whereas it is expedient that the limits of supply of the Company as defined in section 5 of the North Metropolitan Electric Power Supply Act 1900 (in this Act referred to as "the Act of 1900") should be extended so as to include therein the metropolitan borough of Stoke Newington and that provision should be made as contained in this Act for enabling the Company and other companies to afford to each other a supply of electrical energy:

And whereas it is expedient that the North Metropolitan Electric Power Supply Acts 1900 to 1903 should be amended in certain respects and that such further powers as are contained in this Act should be conferred upon the Company and that the Company should be empowered to apply their funds to the purposes of this Act:

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

[Ch. clxxvi.] *North Metropolitan Electric Power Supply Act, 1905.* [5 EDW. 7.]

A.D. 1905. — 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 for all purposes as the North Metropolitan Electric Power Supply Act 1905 and the North Metropolitan Electric Power Supply Acts 1900 to 1903 and this Act may be cited as the North Metropolitan Electric Power Supply Acts 1900 to 1905.

Interpretation. **2.** In this Act words and expressions to which meanings are assigned by the Act of 1900 and the Acts wholly or partially incorporated therewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

“The council” means the London County Council and “the county” means the administrative county of London.

Limits of Act of 1900 extended. **3.** From and after the passing of this Act the limits within which the Company may supply electrical energy for the purposes and under the powers of the Act of 1900 shall be extended so as to include the metropolitan borough of Stoke Newington and the Company within such extended limits shall have and may exercise all powers rights privileges and authorities which they now have or may exercise under the Act of 1900 within the limits of supply defined in section 5 of that Act and that Act shall accordingly from and after the passing of this Act be read and construed as if the area of the said metropolitan borough had been included within the limits of the Act of 1900 as defined in the said section and the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 which are incorporated with the Act of 1900 are hereby incorporated with this Act and shall be applicable to the Company and to their undertaking and to the area of supply as extended by this Act.

Agreements as to supply of electricity. **4.** The Company on the one hand and any local authority authorised by Order or Act of Parliament to supply electrical energy within any area adjoining the limits of supply for the time being of the Company or (with the approval of the Board of Trade) any company or person so authorised on the other hand may enter into and carry into effect agreements for the

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supply of electricity in bulk by or to the Company to or by such local authority company or person and the provisions of the respective Acts and Orders under which such company authority or person may be empowered to supply electrical energy shall so far as applicable have effect within the limits of supply of such company authority or person for the purposes of a supply to be afforded under this section.

But except with the consent in writing of the Metropolitan Electric Supply Company Limited this section shall not authorise the Company to make any agreement for the supply of electricity to any local authority company or person for use or distribution in any area or district in which the Metropolitan Electric Supply Company Limited have power for the time being under any Act or Order to supply or sell electrical energy and except with the consent in writing of the Charing Cross West End and City Electricity Supply Company Limited this section shall not authorise the Company to make any agreement for the supply of electricity to any local authority company or person for use or distribution in any area or district in which the Charing Cross West End and City Electricity Supply Company Limited have power for the time being under any Act or Order to supply or sell electrical energy.

5.—(1) The Company may acquire by agreement so much of the lands hereinafter described as do not already belong to them and may hold and use the whole or any part of the said lands hereinafter described as and for a station for generating electrical energy and may maintain and use such station or stations with all proper and necessary engines dynamos batteries accumulators machinery and other electrical plant apparatus buildings and works and may by means thereof produce transform transmit use and supply such energy for the purposes and subject to the provisions of the North Metropolitan Electric Power Supply Acts 1900 to 1905.

Power to use
lands for
generating
station.

The lands hereinbefore referred to are—

Certain lands in the urban district of Enfield upon which the Brimsdown generating station of the Company is situate containing an area of eight acres or thereabouts and bounded on or towards the east by the River Lea on or towards the south by Millmarsh Lane and on or towards the west and north by lands belonging to Trinity College Cambridge and measuring on the eastern

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side thereof seven hundred and twenty-five feet or thereabouts on the southern side six hundred and twenty-seven feet six inches or thereabouts on the western side five hundred and six feet or thereabouts and on the northern side five hundred and forty-eight feet six inches or thereabouts.

(2) Notwithstanding anything contained in the North Metropolitan Electric Power Supply Acts 1900 to 1903 the Company may purchase or acquire by agreement and hold and use for the purposes aforesaid such further lands not exceeding ten acres as they think fit but 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 such further lands as are referred to in this subsection Provided that nothing in this subsection shall authorise the Company to erect a generating station in the urban district of Friern Barnet the urban district of Wood Green the urban district of Southgate or the urban district of Edmonton without the consent in writing of the local authority :

Provided also that the Company shall not exercise any of the powers of this section within the urban district of Walthamstow except with the consent of the council of that district under their common seal.

Power to contract for execution of electrical works.

6. The Company may notwithstanding anything in the Act of 1900 enter into and carry into effect agreements with any local authority company or person who may have obtained or may obtain a licence Order or special Act for the supply of electricity to any district within the limits of supply for the time being of the Company for the execution and maintenance of any works needed for the purposes of such supply or for the supply of electricity within any area mentioned in such licence Order or special Act or any part of such area and may apply their funds to the purposes of any such agreement.

Power to supply electricity to certain bodies and companies.

7. The Company may at any point or points within the limits of supply for the time being of the Company and notwithstanding anything to the contrary contained in section 11 of the Act of 1900 supply electrical energy for all purposes to the trustees of the Alexandra Palace Wood Green or for the purposes of haulage or traction and for lighting vehicles or boats drawn by such haulage or traction to any company body

or person owning or working any railway tramway tramroad canal or navigation situate within or partly within such limits of supply and notwithstanding that such energy is to be used for such purposes in part outside such limits of supply :

Provided that the company body or person receiving such supply shall not use the electrical energy so supplied for other than the aforesaid purposes :

Provided also that such company body or person shall not use the said energy in such manner as to cause or be likely to cause any interference with telegraphic communication by means of any telegraphs belonging to or used by the Postmaster-General but this proviso shall not apply to any such company body or person who are or is authorised to use electrical energy for such haulage or traction or lighting by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphs :

Provided further that nothing in this section shall authorise the Company to supply electrical energy for the purpose of working any railway unless the company body or person owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament to work such railway by electrical power.

8. Where the Company desire to lay or may be required to lay any electric line in any street in the county under the surface of which there is a subway vested in the council and the council serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained no powers conferred upon the Company with respect to the breaking up of and interfering with streets shall be exercised by the Company as to any such street in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner as the council shall direct or approve.

Provision as
to subways.

Where any electric line of the Company shall be so laid under the provisions of this section the Company shall pay to the council such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration Provided that the Company shall have access to such subway

A.D. 1905. at all such reasonable times and subject to such conditions as may be settled in like manner.

Prohibition of overhead wires.

9. The Company shall not without the express consent of the council and of the Board of Trade place any electric line above ground within the county except within premises in the sole occupation or control of the Company and except so much of any service line as is necessarily so placed for the purpose of supply.

If the Company place any electric lines in contravention of this section or fail to remove the same when so required by the council they shall be liable on summary conviction to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds and any court of summary jurisdiction may on complaint made in addition to or without imposing any penalty under this section make an order authorising the removal of any such electric line by such person and on such terms as to the court may seem fit.

Appointment of electric inspectors.

10. So far as relates to the exercise of the powers in this Act contained within the county the following provisions shall have effect and shall be in substitution for the provisions of section 13 of the Act of 1900:—

The council may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Act:

If no electric inspector is appointed by the council the Board of Trade on the application of any consumer or of the Company may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Act:

The duties of an electric inspector under this Act shall be as follows:—

(A) The inspection and testing periodically and in special cases of the Company's electric lines and works used or required for the supply of energy given by them in the county;

(B) The certifying and examination of meters; and

(C) Such other duties in relation to the Company's undertaking as may be required of him under the provisions of this Act or of any regulations made for that purpose by the Board of Trade:

The council with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector appointed under this Act and also the fees to be taken by him and such fees shall be accounted for and applied as may be directed by the council or the Board of Trade as the case may be. A.D. 1905.

11. The council may pay to any electric inspector appointed by them under this Act such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Act or any regulations made by the Board of Trade as aforesaid according as the council shall determine. Remuneration of electric inspectors.

12. An electric inspector appointed under this Act if and when required to do so by any consumer shall on payment by such consumer of such fee as may be prescribed by the Board of Trade test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Company upon the consumer's premises as may be necessary for the purpose of determining whether the Company have complied with the provisions of this Act and any regulations for that purpose made by the Board of Trade. Testing of works and supply on consumer's premises.

13. Any electric inspector appointed under this Act shall have the right to have access at all reasonable hours to the testing stations and premises of the Company for the purpose of testing the electric lines and instruments of the Company and ascertaining if the same are in order and in case the same are not in order he may require the company forthwith to have the same put in order. Electric inspector may test Company's instruments.

14. Save as otherwise provided by this Act or by regulations for that purpose made by the Board of Trade all fees and reasonable expenses of an electric inspector appointed under this Act shall unless agreed be ascertained by a court of summary jurisdiction or (where the inspector is appointed by them) by the Board of Trade and shall be paid by the Company: Expenses of electric inspector.

Provided that where the report of such electric inspector or the decision of the Board of Trade shows that any consumer

A.D. 1905. — was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt:

Provided also that in any proceedings for penalties under this Act any such fees and expenses incurred in connection with such proceedings shall be payable by the complainant or defendant as the court may direct.

For protec-
tion of Lon-
don County
Council.

15.—(1) Nothing in this Act or the Act of 1900 or in any Act incorporated therewith shall authorise the Company to break up or otherwise interfere with any park or open space for the time being vested in the council except so far as any part of such park or open space forms part of a street or to interfere with make use of break up or alter the position of any sewer or subway so vested except with the consent in writing of the council and subject to such terms and conditions as they may impose.

(2) In connection with the exercise of powers by the Company in the county the council shall for the purpose of section 12 of the Act of 1900 and section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 have in addition to any powers rights and privileges possessed by them under the said last-mentioned Act all the rights powers and privileges of a metropolitan borough council being a local authority for the purpose of the said sections and shall be deemed to be a body entitled to give notice under section 16 of the said schedule and to exercise the rights and privileges of such body under that section in respect of any sewer subway tramway property or work vested in the council.

(3) The council in respect of any tramway sewer drain water-course defence or work under their control or jurisdiction shall be entitled to the same protection and have the same rights powers and privileges as a local authority under section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 provided that the council shall be entitled to fourteen days' notice instead of three days' notice as therein provided.

(4) So far as concerns the electric lines of the Company in the county the council shall have the same rights powers and privileges as the Postmaster-General under section 15 of the Act of 1900.

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(5) All additional capital expenditure at any time hereafter reasonably incurred by the council in repairing renewing or altering or enlarging their existing mains pipes sewers tramways and other works or in reconstructing their existing tramways for the purpose of the adoption of electrical traction or constructing their authorised tramways in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in any street or bridge in the county and which but for the passing of this Act and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company. If any difference shall arise under this subsection between the Company and the council the matter in dispute shall be settled by an arbitrator to be mutually appointed or failing such appointment by an engineer or other person to be appointed by the Board of Trade on the application of either party.

16. For the protection of the Willesden Urban District Council (in this section called "the Willesden Council") and notwithstanding anything in this Act contained the following provisions shall apply and have effect unless otherwise agreed on in writing between the Willesden Council and the Company (that is to say) :—

For protection of Willesden Urban District Council.

(1) Nothing in this Act shall authorise the Company to execute any works or lay down maintain renew or use any mains cables lines wires tubes boxes or apparatus in or open break up or otherwise interfere with any street road or place within the urban district of Willesden :

(2) Nothing in this Act shall authorise the Company to supply electricity or electrical power or energy to any company body or person in the urban district of Willesden or to any company body or person for use within the urban district of Willesden except only in bulk for the purposes of traction in respect of an undertaking situate partly within and partly without such district.

17. Nothing in this Act shall authorise the Company directly or indirectly (otherwise than as provided by the section of this Act of which the marginal note is "Agreements as to

For protection of Hackney Borough Council.

A.D. 1905. supply of electricity") to supply electricity for use within the metropolitan borough of Hackney for lighting purposes.

Transfer of undertakings of local authorities and others to Company.

18.—(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 wholly 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 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 by deed to be approved by the Board of Trade transfer their undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and upon such terms as may be specified in the deed and in the event of the Company so acquiring such undertaking powers rights authorities and privileges they shall subject to such exceptions and modifications as aforesaid be deemed to be the undertakers for all the purposes of the Provisional Order so acquired by them Provided that (A) the Company shall be allowed to charge for electrical energy supplied 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 1900 (B) in the case of any Provisional Order granted prior to the year one thousand nine hundred to any local authority in respect of any district outside the county of London the provisions of the schedule to 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 which are not exclusively used or required for the purposes of supplying electricity under such Order within the area of supply as defined by such Order and (D) the powers conferred by this section may be exercised in respect of a part only of any such undertaking as aforesaid.

(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. A.D. 1905.

(3) 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 shall subject to any provisions contained in any such Order apply to that undertaking and where the undertakers are a local authority the said 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 or under any deed of transfer repurchase the said undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company.

19. Section 19 of the Act of 1900 is hereby repealed and that Act shall be read and have effect as if in lieu of that section the following provisions had been inserted therein and such provisions shall have effect accordingly:— As to borrowing power of Company.

The Company may from time to time borrow on debenture or mortgage of their undertaking any sum or sums not exceeding in the whole one-third part of the amount of the share capital of the Company at the time actually issued and accepted but no part of any such sum or sums shall be borrowed until the shares in respect of which the borrowing power is exercised are issued and accepted as aforesaid and one half thereof is 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 have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share so issued and accepted has been paid on account thereof before or at the time of the issue or acceptance thereof and upon production to such justice of the books of the Company and of such other evidence as he shall think

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sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to
apply funds.

20. The Company may apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by the Act of 1900 and which are not required for the purposes to which they are by that Act made specially applicable.

Costs of Act.

21. 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.

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