



## CHAPTER lvi.

An Act to provide for the transfer of the electricity undertaking of the Urban Electric Supply Company Limited at Newton Abbot in the county of Devon to the mayor aldermen and burgesses of the borough of Torquay to extend the area for the supply of electricity by the said mayor aldermen and burgesses and to make further provision in regard to their electricity undertaking.

A.D. 1922.

[20th July 1922.]

**W**HEREAS the mayor aldermen and burgesses of the borough of Torquay (in this Act called "the Corporation") supply electricity within that borough under the provisions of the Torquay Electric Lighting Order 1891 :

And whereas the Urban Electric Supply Company Limited (in this Act called "the company") supply electricity in the urban district of Newton Abbot in the county of Devon under the provisions of the Newton Abbot Electric Lighting Orders 1899 and 1904 :

And whereas by virtue of section 58 of the Newton Abbot Electric Lighting Order 1899 (as amended by an Order made by the Minister of Transport and dated the fifteenth day of November one thousand nine hundred and twenty-one) the urban district council of Newton Abbot (in this Act called "the council") may within two years from the thirty-first day of July one thousand nine hundred and twenty by notice in writing require the company to sell to the council their undertaking as described in the said Order of 1899 at the price and upon

A.D. 1922. — and subject to the terms and conditions mentioned in the said Order :

And whereas the existing generating station of the Corporation is inadequate to meet the present and growing demands for electricity in the borough and there is no suitable site within the borough for the enlargement of the said generating station or for the erection of a new generating station :

And whereas it would conduce to economical working and be of public and local advantage if the undertaking of the company were vested in the Corporation instead of the council in the manner provided by this Act and the Corporation were empowered to enlarge and improve the generating station of the company in order to meet the combined requirements of the borough the urban district of Newton Abbot and the intervening area :

And whereas it is expedient to extend the area of the Corporation for the supply of electricity and to confer further powers upon them in relation to their electricity undertaking :

And whereas it is expedient that the other provisions in this Act be enacted :

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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) :—

Short title.

1. This Act may be cited as the *Torquay Corporation (Electricity) Act 1922*.

Incorporation of Act.

2. The provisions contained in the Schedule to the *Electric Lighting (Clauses) Act 1899* (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exceptions and modification :—

(A) Section 5 and section 23 of the Schedule are not incorporated with this Act;



(B) Section 65 of the Schedule shall apply to the undertaking of the Corporation within their area of supply outside the borough as if the Corporation were the local authority. A.D. 1922.

3. In this Act the several words and expressions to which meanings are assigned by the Electricity (Supply) Acts 1882 to 1919 have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act— Interpretation.

“The Order of 1891” means the Torquay Electric Lighting Order 1891;

“The Order of 1899” means the Newton Abbot Electric Lighting Order 1899;

“The Order of 1904” means the Newton Abbot Electric Lighting Order 1904;

“The undertaking of the company” means the undertaking authorised by the Order of 1899 and the Order of 1904;

“The borough” means the borough of Torquay;

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

4. The undertaking authorised by the Order of 1891 and this Act and the undertaking of the company transferred to the Corporation in pursuance of this Act and the Corporation in respect thereof shall be subject to the provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act and so much of the Order of 1891 the Order of 1899 and the Order of 1904 as is inconsistent with those provisions or this Act is hereby repealed without prejudice to anything done or suffered thereunder but this section shall not take effect until the transfer to the Corporation of the undertaking of the company. Application of Electric Lighting Acts.

5. The time within which the council may under section 58 of the Order of 1899 (as extended by an Order made by the Minister of Transport and dated the fifteenth day of November one thousand nine hundred and twenty-one) give notice requiring the company to sell their undertaking is hereby further extended until the thirty-first day of July one thousand nine hundred and twenty-three. Amendment of section 58 of Order of 1899.

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Provisions  
as to purchase and  
transfer to  
Corporation  
of com.  
pany's un-  
dertaking.

6.—(1) Forthwith after the passing of this Act the council shall give to the company notice in writing requiring the company to sell their undertaking pursuant to the provisions of section 58 of the Order of 1899 as amended by the before-mentioned Order of the Minister of Transport dated the fifteenth day of November one thousand nine hundred and twenty-one and this Act Provided that in lieu of the provisions of subsection (2) of the said section the price to be paid on such sale shall failing agreement be such as may be determined by arbitration to be a fair and reasonable price for the undertaking.

(2) The council will use their best endeavours as soon as practicable after the notice referred to in subsection (1) of this section has been given to procure the price for the purchase of the undertaking of the company to be determined. Provided that before the council make any agreement with the company as to the price to be paid they shall submit the terms of any such proposed agreement to the Corporation for their approval and if the Corporation are unable to approve such price or any amended price the council shall forthwith take all such steps as the Corporation may require to procure the price to be determined pursuant to the provisions of this section.

(3) The Corporation shall pay to the council all reasonable and proper expenses incurred by the council in and about the negotiations for and completion of the purchase and such costs of the arbitration (if any) as may fall upon the council.

(4) As soon as may be after the purchase price to be paid for the undertaking of the company shall have been determined the Corporation shall borrow the sums required for payment of the same and of the costs and expenses payable by the Corporation of and in connection with the purchase and on payment to the company of the purchase price the undertaking of the company shall thereupon by virtue of this Act be transferred to and vest in the Corporation for all the estate and interest therein of the company as if the Corporation had been the local authority mentioned in subsection (4) of section 58 of the Order of 1899 and upon such transfer and vesting that section except subsection (4) thereof shall be and is hereby repealed.



7.—(1) As from the transfer of the undertaking of the company to the Corporation :— A.D. 1922.

(i) There shall be added to the area of supply for the purposes of the Order of 1891 the urban district of Newton Abbot and the parishes of Kingskerswell Abbotskerswell and Coffinswell in the rural district of Newton Abbot in the county of Devon and the Corporation may within or in respect to the said areas exercise all or any of the powers in relation to their electricity undertaking which are conferred upon the Corporation by the Order of 1891 and this Act; Extending  
area of  
supply &c.

(ii) The Corporation may enlarge extend improve work and use as part of and for the purposes of their electricity undertaking the generating station buildings and works of the company Provided that nothing in this subsection shall relieve the Corporation from the necessity of obtaining the consent of the electricity commissioners under section 11 of the Electricity (Supply) Act 1919 to the extension of the generating station.

(2) Within three months after the said transfer the Corporation shall deposit at the office of the Electricity Commissioners an Ordnance map showing the area of the Corporation for the supply of electricity as extended by this Act.

8.—(1) If at the expiration of three years from the passing of this Act suitable and sufficient distributing mains shall not have been laid down in the parishes of Kingskerswell Abbotskerswell and Coffinswell in the rural district of Newton Abbot the Minister of Transport may if he thinks fit after inquiry and after considering any representations of the Corporation or the local authority revoke the powers of this Act in respect of any such parish or any part thereof where such mains shall not have been laid. As to revo-  
cation where  
works not  
executed.

(2) Nothing in this section shall be construed as affecting the power of the said Minister to revoke such powers under the provisions contained in the Schedule to the Electric Lighting (Clauses) Act 1899.

9. The Corporation may upon the application of the owner or occupier of any premises abutting on or Power to lay  
electric  
mains in

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streets not  
repairable  
by in-  
habitants at  
large.

being erected in any street laid out but not repairable by the inhabitants at large within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter re-lay or renew in under across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1919 with respect to the breaking up of streets shall extend and apply mutatis mutandis to and for the purposes of this section as if such streets had been specified in the Third Schedule to the Order of 1891 Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of the Great Western Railway Company without the consent of that company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Power to  
construct  
electrical  
sub-stations  
under  
streets.

**10.** The Corporation may with the consent of the persons liable to repair any street not repairable by the inhabitants at large or dedicated to the public use subject to the provisions of the Electricity (Supply) Acts 1882 to 1919 and the Order of 1891 construct and maintain in or under that street sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that where in the opinion of the Corporation the consent of any owner lessee or occupier as aforesaid is unreasonably withheld the Corporation may appeal to a petty sessional court who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid.

Power to  
borrow.

**11.—(1)** The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned (that is to say):—

(A) For and in connection with the purchase of the undertaking of the company and the costs and



expenses payable by the Corporation of and incident to such purchase the sum requisite for those purposes;

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

and with the approval of the electricity commissioners such further moneys as the Corporation may require in relation to their electricity undertaking including the provision of working capital.

(2) 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 the general district rate.

**12.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

Periods for  
payment off  
of money  
borrowed.

As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within thirty-five years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) in the said section mentioned within five years from the date of the passing of this Act;

As to moneys borrowed with the approval of the electricity commissioners within such period not exceeding sixty years as the electricity commissioners may think fit to sanction.

**13.—(1)** The Corporation shall have power:—

Power to  
re-borrow.

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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(*Electricity*) Act, 1922.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid:—

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 66 (Power to re-borrow) of the *Torquay Corporation Water Act 1903* is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Return to  
Ministry of  
Health as to  
repayment  
of debt.

14.—(1) The borough treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Minister of Health may require such a return to be made transmit to the Minister a return in such form as may be prescribed by him and if required by him verified by statutory declaration of the borough treasurer showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied



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for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the borough treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(2) If it appears to the Minister of Health by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purpose other than those authorised the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

**15.** A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection  
of lender  
from  
inquiry.

**16.** The following provisions of the Torquay Corporation Water Act 1903 shall apply to the exercise of the powers of this Act as if the same were with any necessary modifications re-enacted in this Act (that is to say):—

Incorporation of  
certain  
sections of  
Act of 1903.

Section 58 Mode of raising money;

Section 59 Certain regulations of Public Health  
Acts as to borrowing not to apply;

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Section 60 Provisions of Public Health Act as to mortgages to apply;

Section 61 Corporation not to regard trusts;

Section 63 Mode of paying off of money borrowed;

Section 64 Regulations as to sinking fund (provided that the said section shall be read and have effect as if the words "three pounds ten shillings per centum per annum or such other rate as the Minister of Health may approve" were inserted therein instead of the words "three per centum per annum");

Section 65 Saving for existing charges;

Section 68 Application of borrowed moneys.

Costs of Act.

**17.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining 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 revenue of their electricity undertaking or the district fund and ultimately out of money to be borrowed under this Act for that purpose.

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