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CHAPTER xcvi.

An Act to confer further powers upon the Shropshire Worcestershire and Staffordshire Electric Power Company to make further provisions with reference to the separate undertaking of that Company and for other purposes.

A.D. 1923.

[2nd August 1923.]

WHEREAS the Shropshire Worcestershire and Staffordshire Electric Power Company (hereinafter referred to as "the Company") were incorporated by the Shropshire and Worcestershire Electric Power Act 1903 under the name of the Shropshire and Worcestershire Electric Power Company and were by that Act empowered to supply electricity to authorised undertakers and to persons requiring a supply for power within an area of supply comprising the counties of Salop and Worcester :

And whereas by subsequent Acts the name of the Company was changed to its present name and the said area of supply was extended so as to include part of the county of Stafford and further powers were conferred upon the Company :

And whereas by the South-West Midlands Electricity District Order 1923 made by the Electricity Commissioners and confirmed and approved under the provisions of the Electricity (Supply) Act 1919 the South-West Midlands Electricity District was constituted and the South-West Midlands Advisory Joint Committee (consisting of four persons of whom two are to be appointed by the Company) was established to advise upon certain

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A.D. 1923. — questions affecting the supply of electricity in the district so constituted under which order the Company are made responsible for the electrical development of portions of the counties of Salop Stafford and Worcester comprised within their area of supply :

And whereas under the *Shropshire Worcestershire and Staffordshire Electric Power Act 1918* (hereinafter referred to as "the Act of 1918") the Company were empowered to acquire (inter alia) certain lands in the county of Worcester (hereinafter referred to as "the Stourport site") described in Part I. of the First Schedule to that Act and to erect and work on the Stourport site a station or stations for generating electricity and other buildings and works and were also empowered to construct a railway siding extending from the Great Western Railway to the Stourport site :

And whereas in exercise of powers conferred on them by the *Shropshire Worcestershire and Staffordshire Electric Power Act 1919* (hereinafter referred to as "the Act of 1919") the Company have recently by resolution constituted as a separate undertaking of the Company a part of their undertaking (in the said Act referred to as "the Severn Main Power Supply") consisting of the generating station or stations to be erected upon the Stourport site and the railway siding authorised by the Act of 1918 and certain other works and certain lands and buildings and extra high-pressure cables and other apparatus and have allocated to the said separate undertaking a part of the capital and moneys authorised by the Act of 1919 and previous Acts to be raised by the Company by shares stock debenture stock or borrowing as a separate capital of the Company applicable to the purposes of the said separate undertaking :

And whereas with the object of enabling the Company to meet the increasing demands upon them for the supply of electricity and to perform the duties imposed upon them by the said *South-West Midlands Electricity District Order* the Company are about to erect as part of the said separate undertaking the authorised generating station on the Stourport site and it is expedient that they should be empowered to construct the works by this Act authorised for the purpose of providing additional facilities for the conveyance of coal and other materials to the said generating station and the conveyance of

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materials therefrom and to acquire the lands required for the construction of the said works and certain other lands required for the purposes of the said separate undertaking : A.D. 1923.

And whereas it is expedient that the agreement set out in the Fourth Schedule to this Act should be sanctioned and confirmed as provided by this Act :

And whereas it is expedient that in order to give full effect to the objects of the said South-West Midlands Electricity District Order the powers of the Company of supplying electricity should be extended so as to enable them to supply electricity direct to consumers for all or any purposes in portions of their area of supply with respect to which they are under the provisions of the said order responsible as aforesaid :

And whereas it is expedient that the Acts of the Company should be amended in certain respects and that the other provisions contained in this Act should be made :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act the plans showing also the lands which may be taken compulsorily under the powers of this Act and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the county of Worcester and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act 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 and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Shropshire Worcestershire and Staffordshire Electric Power Act 1923 and the Shropshire Worcestershire and Staffordshire Electric Short and collective titles.

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A.D. 1923. Power Acts 1903 to 1919 and this Act may be cited together as the Shropshire Worcestershire and Staffordshire Electric Power Acts 1903 to 1923.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Separate undertaking.

Part IV.—Miscellaneous.

Incorporation of Acts.

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

The Lands Clauses Acts;

Sections 6 16 18 to 24 30 to 44 46 49 58 60 and 77 to 85 of the Railways Clauses Consolidation Act 1845; and

Sections 4 and 9 to 12 of the Railways Clauses Act 1863.

Interpretation.

4. In this Act the several words terms and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act or by the Electricity (Supply) Acts 1882 to 1922 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—

“The Company” means the Shropshire Worcestershire and Staffordshire Electric Power Company;

“The Act of 1903” “the Act of 1905” “the Act of 1906” “the Act of 1918” and “the Act of 1919” mean respectively the Shropshire and Worcestershire Electric Power Act 1903 the Shropshire Worcestershire and Staffordshire Electric Power Act 1905 the Shropshire Worcestershire and Staffordshire Electric Power Act 1906 the Shropshire Worcestershire and Staffordshire Electric Power Act 1918 and the Shropshire Worcestershire and Staffordshire Electric Power Act 1919;

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“ The existing Acts ” means the Act of 1903 the A.D. 1923.
Act of 1905 the Act of 1906 the Shropshire
Worcestershire and Staffordshire Electric Power
Act 1914 the Shropshire Worcestershire and
Staffordshire Electric Power Act 1916 the Act
of 1918 and the Act of 1919;

“ The separate undertaking ” means and includes—

(a) the generating station or stations erected
or to be erected under the authority of the
Act of 1918 upon the lands described in
Part I. of the First Schedule to that Act;

(b) the railway siding authorised by the Act
of 1918;

(c) the cableway-conveyor railway and rail-
way siding authorised by this Act;

(d) the lands referred to in the section of
this Act of which the marginal note is “ Power
to Company to acquire additional lands ”
if and when or so far as those lands are
acquired by the Company;

(e) all works connected with and lands
acquired or to be acquired or taken on lease
for the purposes of the said generating station
or stations cableway-conveyor railway and
railway sidings;

(f) all extra-high-pressure cables and over-
head lines (not being an essential part of the
Company's distribution system) transmitting
electricity from any such generating station
or stations as aforesaid to any other generating
station or to a sub-station and any step-up
and step-down transformers and switchgear
necessary to and used for the control of such
cables or overhead lines and the buildings
or such part thereof as may be required to
accommodate such transformers and switch-
gear so far as such cables overhead lines trans-
formers switchgear and buildings shall have
been or shall be provided by means of money
raised by the creation and issue or granting
of Severn Electric Power Supply shares or
Severn Electric Power Supply debenture

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stock or Severn Electric Power Supply mortgages or by means of any other moneys applicable to purposes of the separate undertaking;

but does not include any such cables overhead lines transformers switchgear or buildings as aforesaid which shall have been or shall be provided by means of money raised by the creation and issue or granting of shares debenture stock or mortgages forming part of the general capital or by means of any other moneys applicable to purposes of the general undertaking;

“The general undertaking” means the undertaking of the Company as authorised for the time being other than the separate undertaking;

“Separate capital” means shares debenture stock or mortgages for the time being created and issued or granted or authorised to be created and issued or granted by the Company and allocated by them to the purposes of the separate undertaking as a separate capital for that undertaking;

“Severn Electric Power Supply shares” means shares in the separate capital;

“Severn Electric Power Supply debenture stock” and “Severn Electric Power Supply mortgages” mean respectively debenture stock and mortgages forming part of the separate capital;

“General capital” means shares debenture stock or mortgages for the time being created and issued or granted or authorised to be created and issued or granted by the Company other than the separate capital.

PART II.

WORKS AND LANDS.

Power to
construct
works.

5. Subject to the provisions of this Act the Company may in the lines and situations and according to the levels shown on the deposited plans and sections make and

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maintain in the county of Worcester the works hereinafter described (that is to say) :— A.D. 1923.

Work No. 1 A cableway-conveyor in the urban district of Stourport and the parish of Hartlebury in the rural district of Droitwich or one of them commencing in the enclosure numbered 47 on the $\frac{1}{2500}$ Ordnance map (second edition 1902) Worcestershire sheet XIV. 10 and terminating in the enclosure numbered 562 on the $\frac{1}{2500}$ Ordnance map (second edition 1903) Worcester sheet XIV. 14.

Work No. 2 A railway (2 furlongs 3 chains or thereabouts in length) in the said urban district commencing on the wharf adjoining the new basin of the Staffordshire and Worcestershire Canal and terminating in the said enclosure numbered 562.

Work No. 3 A railway siding (1 furlong 2 chains or thereabouts in length) in the said urban district commencing by a junction with the Severn Valley Branch of the Great Western Railway at a point 320 yards or thereabouts eastward of the bridge carrying that railway over the Staffordshire and Worcestershire Canal and terminating by a junction with the railway siding authorised by the Act of 1918 in the enclosure numbered 75 on the $\frac{1}{2500}$ Ordnance map (second edition 1902) Worcestershire sheet XIV. 10.

6. The Company may in connection with the cableway-conveyor (Work No. 1) by this Act authorised construct erect provide and maintain all such bridges posts pillars piers supports lifts hoists cranes movable platforms conveyors rails machinery wires apparatus and other works appliances and conveniences as they may require for the purposes thereof and may use the said cableway-conveyor and any such works appliances and conveniences as aforesaid for the conveyance of coal and other materials into and from any works of the Company or for any purpose in connection with the construction of the railway siding authorised by the Act of 1918 and the railway siding (Work No. 3) authorised by this Act. Powers with reference to cableway-conveyor.

7. The Company may make the arch of the bridge for carrying the railway (Work No. 2) by this Act authorised over Severn Road of any height not less than eighteen feet and of any span not less than thirty feet. Height and span of bridge.

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Subsidiary
works in
connection
with rail-
way and
railway
siding.

8. The Company may in connection with and for the purposes of the railway (Work No. 2) and the railway siding (Work No. 3) by this Act authorised make provide lay down and construct all such junctions lines of rail sidings signals signalling apparatus works and apparatus as may be necessary or convenient.

Power to
deviate.

9. In making the works by this Act authorised the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans in connection therewith respectively and may deviate vertically from the levels shown on the deposited sections—

(a) as regards the cableway-conveyor (Work No. 1) to any extent not exceeding five feet downwards and to any extent upwards;

(b) as regards the railway (Work No. 2)—

(i) where the same crosses Severn Road to any extent not exceeding ten feet upwards or five feet downwards but subject to the provisions of the section of this Act of which the marginal note is "Height and span of bridge"; and

(ii) elsewhere than at the said crossing to any extent upwards and to any extent not exceeding sixteen feet downwards; and

(c) as regards the railway siding (Work No. 3) to any extent not exceeding ten feet upwards or downwards.

Power to
stop up
roads
temporarily.

10. The Company may for the purpose of and during the construction and any work of repair or renewal of the said cableway-conveyor stop up so much of any street or road across or over which the same is to be constructed as is required to be stopped up for any such purpose and during such stopping up all rights of way along the portion of street or road stopped up shall be temporarily extinguished Provided that the Company shall not under the powers of this section stop up any portion of more than one street or road at any one time and that the stopping up of any portion of a street or road shall not continue for longer than two days on any one occasion unless the Company shall have provided for use during the period of such stopping up a convenient means of passage for vehicular and pedestrian traffic

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between the portions of street or road severed by such stopping up: A.D. 1923.

Provided also that the Company shall provide reasonable access for all persons bonâ fide going to or returning from any house in any street or road stopped up under the powers of this section.

11. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society". Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated. Protection of gas and water mains of local authorities.

12. The Company may work the said cableway-conveyor and the traffic on the railway and railway siding by this Act authorised by electric steam hydraulic or any other form of mechanical power or by animal power and they may equip the same for working by electrical energy or other mechanical power and may erect and maintain upon any of the lands for the time being belonging to the Company all such works and apparatus and do all such things as may be necessary or convenient for the purpose of working the said cableway-conveyor and such traffic as aforesaid. Power to work cableway-conveyor railway and railway siding. ¶

13.—(1) In the event of the said cableway-conveyor and the traffic on the said railway and railway siding being worked by electrical power the Company shall so erect maintain and use their works and apparatus of all descriptions and shall so work the said cableway-conveyor and the said traffic in all respects as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line. For protection of Postmaster-General. ¶

(2) Any works or apparatus provided laid down or constructed by the Company under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869

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A.D. 1923. — and shall not be installed or worked in contravention of the Wireless Telegraphy Act 1904 or any statutory modification or re-enactment thereof.

Limiting
use of
railway
siding.

14. Notwithstanding anything contained in this Act or in the Acts incorporated with this Act the railway siding shall not be used for passenger traffic or for the conveyance of any traffic other than traffic destined for or arising on the lands described in Part I. of the First Schedule to the Act of 1918.

For protec-
tion of
Great West-
ern Rail-
way Com-
pany.

15. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Great Western Company and the Company apply and have effect (that is to say) :—

(1) Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not under the powers of this Act enter upon take use or acquire compulsorily any lands or property of the Great Western Company save and except that the Company may acquire and the Great Western Company on being requested so to do by the Company shall sell to the Company such rights or easements as may be necessary (subject to the provisions of this section) to enable the Company to construct and maintain the railway siding (Work No. 3) by this Act authorised and the Company shall pay to the Great Western Company for any right or easement which they may so require the Great Western Company to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement :

(2) The provisions of the agreement made the nineteenth day of June one thousand nine hundred and eighteen between the Company and the Great Western Company set forth in the Third Schedule to the Act of 1918 shall apply in all respects to the construction maintenance and user of the said Work No. 3 and for the purposes of that agreement Work

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No. 3 shall be deemed to be the easternmost of the two junctions and sidings coloured red and blue on the plan attached thereto and shall be constructed only as shown on such plan :

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- (3) The Company shall not without the previous consent of the Great Western Company exercise upon the land of the Great Western Company the powers conferred on the Company by the section of this Act of which the marginal note is "Subsidiary works in connection with railway and railway siding" :
- (4) Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to work cableway-conveyor railway and railway siding" the Company shall not work the traffic on the railway siding (Work No. 3) by this Act authorised except in such manner as may be reasonably approved by the Great Western Company and so as not in any way to interfere with the working or user by the Great Western Company of their railway or property :
- (5) In stopping up any streets or roads under the provisions of the section of this Act of which the marginal note is "Power to stop up roads temporarily" the Company shall at all times keep open for vehicular and pedestrian traffic reasonable access to the stations and depôts of the Great Western Company :
- (6) Except as in this section or in the said agreement otherwise expressly provided any difference arising between the Company and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

16. This Act shall be read and construed as if section 32 (For protection of Great Western Railway Company) of the Act of 1903 had been re-enacted in this Act.

Application
of section
32 of Act
of 1903.

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Repeal of
section 13
of Act of
1918.

17. Section 13 (Period for completion of railway siding) of the Act of 1918 is hereby repealed.

Power to
acquire
lands for
works.

18. Subject to the provisions of this Act the Company may enter upon take and use compulsorily or by agreement such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of or in connection with the works by this Act authorised.

Power to
acquire
easements
compul-
sorily over
certain
properties.

19. Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith the Company shall not be required to purchase any railway river canal navigation watercourse drain or dyke or any part thereof respectively which may be crossed or interfered with in constructing the works by this Act authorised or any of them but may acquire such easements and rights in over or under any such railway river canal navigation watercourse drain or dyke as they may require for making maintaining working and using the said works or any of them and may give notice to treat in respect of such easements and rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Company
may acquire
easements
only in cer-
tain other
cases.

20.—(1) The Company may in lieu of acquiring for the purposes of the works authorised by this Act any lands (other than such lands or property as are referred to in the section of this Act of which the marginal note is "Power to acquire easements compulsorily over certain properties") acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Company have acquired easements only under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the

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time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

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(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claims shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

21. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

Owners may be required to sell parts only of certain lands and buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties" :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

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- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator or other tribunal to whom the question of compensation is referred under the Lands Clauses Acts (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion so determined to be severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw

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their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

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- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

22. Subject to the provisions of this Act the Company may enter upon take use and purchase compulsorily or by agreement for the purposes of the separate undertaking the lands in the urban district of Stourport and county of Worcester which are delineated upon the deposited plans and described in the deposited book of reference and consist of the enclosures numbered 47 48 and 49 on the $\frac{1}{2500}$ Ordnance map (second edition 1902) Worcestershire sheet XIV. 10 and so much of the enclosure numbered 52 on that Ordnance map as is situate westward of the public footpath crossing that enclosure.

Power to
Company to
acquire
additional
lands.

23. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make

As to
private
rights of
way over
lands taken

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compul-
sarily.

full compensation to all parties interested in respect of such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Correction
of errors in
deposited
plans and
book of
reference.

24. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on 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 a court of summary jurisdiction for the correction thereof and if it appear to such court that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they 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 county of Worcester and a duplicate thereof shall also be deposited with the clerk of the council of the urban or rural district or parish affected by the correction and such certificate and duplicate respectively shall be kept by the said clerks 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 execute the works in accordance with such certificate.

Period for
compulsory
purchase of
lands.

25. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall cease after the first day of October one thousand nine hundred and twenty-six.

Confirm ng
scheduled
agreement.

26.—(1) The agreement dated the thirteenth day of March one thousand nine hundred and twenty-three between the Staffordshire and Worcestershire Canal Company (in this section referred to as "the canal company") of the one part and the Company of the other part set forth in the Fourth Schedule to this Act is hereby confirmed and made binding on the parties thereto and shall be carried into effect according to the tenor thereof.

(2) Save so far as is provided by the said agreement nothing in this Act shall vest in or confer on the Company

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or be deemed to have vested in or conferred on the Company any right or power whatsoever to in over or in relation to any part of the undertaking of the canal company.

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(3) Provided that the provisions of section 14 of the Schedule to the Electric Lighting (Clauses) Act 1899 (so far as they relate to the Postmaster-General) shall extend and apply to any electric lines placed by the Company in through under along over or across the lands basin wharves or buildings referred to in the said agreement.

27. 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 (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.

Persons under disability may grant easements &c.

28. The Company may for the purposes of the general undertaking or the separate undertaking purchase and take (by agreement but not otherwise) and may hold in addition to any other lands belonging to them or which they are authorised to purchase or acquire at the passing of this Act any lands and hereditaments not exceeding in the whole fifty acres which they may require for the purposes of their works and any other purposes of either of those undertakings but the Company shall not create or permit a nuisance on any lands purchased under the powers of this section.

Power to purchase lands by agreement.

29. Nothing in this Act shall prejudice or affect any rights of the Severn Commissioners under the provisions of the Act of 1918 or of any agreement between those commissioners and the Company or shall enable the Company to acquire compulsorily any easement or right in over or under the River Severn which would in any way interfere with or prejudicially affect the jurisdiction or powers of the said commissioners.

For protection of Severn Commissioners.

30. For the protection of the urban district council of Stourport (in this section referred to as "the council")

For protection of

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—
Stourport
Urban
District
Council.

the following provisions shall notwithstanding anything contained in this Act except so far as may be otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

- (1) The Company shall not without the consent in writing of the council (which consent shall not be unreasonably withheld) raise lower or otherwise alter the sewers of the council situated under the enclosures numbered 2 4 5 6 10 and 57 in the urban district of Stourport on the deposited plans and the company shall execute all such works (if any) as the council may reasonably require for preventing any injury to the said sewers from the construction or use of the cableway-conveyor (Work No. 1) or the railway (Work No. 2) by this Act authorised :
- (2) The Company shall at all times afford all reasonable facilities to the council their officers and servants for access to the said sewers for purposes of repairing renewing inspecting or cleansing the same in so far as the said sewers are situated under any land for the time being belonging to the Company :
- (3) The haulage of materials plant and machinery for the purposes of or in connection with the works specified in the section of this Act of which the marginal note is " Power to construct works " in or over any road repairable by the council shall be deemed to be extraordinary traffic :
- (4) If any difference or dispute shall arise between the council and the Company under this section or with respect to any matter connected therewith such difference or dispute shall except as is otherwise expressly provided in reference thereto be settled by an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto.

PART III.

SEPARATE UNDERTAKING.

Certain
expenses to

31. There shall be charged to the separate capital and defrayed out of money raised or to be raised by the

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issue of Severn Electric Power Supply shares or Severn Electric Power Supply debenture stock or by the granting of Severn Electric Power Supply mortgages in addition to the costs and expenses to be so charged and defrayed pursuant to the Act of 1919 the following costs and expenses (that is to say):—

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—
be charged to separate capital.

- (a) The costs and expenses incurred by the Company in or about the execution of the works by this Act authorised and the acquisition of lands therefor;
- (b) the costs and expenses incurred by the Company in or about the acquisition of lands under the powers of the section of this Act of which the marginal note is "Power to Company to acquire additional lands";
- (c) the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act.

32. The Company may subscribe for or purchase and hold Severn Electric Power Supply shares or Severn Electric Power Supply debenture stock or lend money on the security of and accept and hold Severn Electric Power Supply mortgages and may apply for any such purposes any capital or funds applicable to purposes of the general undertaking and not of the separate undertaking.

Power to subscribe for shares &c. in separate capital.

33. Sections 16 (Power to constitute separate undertaking) and 17 (As to separate capital) of the Act of 1919 shall be read and have effect as if the Severn Main Power Supply and the separate undertaking therein referred to were the separate undertaking as defined by this Act and the separate undertaking as so defined shall be called or known as "the Severn Electric Power Supply."

Repeal and amendment of certain provisions of Act of 1919.

34. Nothing in this Act shall affect any contract agreement or other document entered into or executed before the date of the passing of this Act by the Company as representing the separate undertaking (as defined by the Act of 1919) and subsisting on that date or any mortgage of the separate undertaking as so defined granted by the Company before the said date and subsisting on that date except that all such contracts agreements documents and mortgages shall be read and

Saving for existing agreements mortgages &c. relating to separate undertaking.

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A.D. 1923. — have effect as applying to the separate undertaking as defined by this Act instead of to the separate undertaking as defined by the Act of 1919.

PART IV.

MISCELLANEOUS.

General powers of distribution in part of area of supply.

35.—(1) Notwithstanding anything contained in the existing Acts the Company within and in respect of so much of their area of supply as is described in the Second Schedule to this Act (in this section referred to as "the distribution area") shall have and may exercise and enjoy all such rights powers and privileges and shall be subject to all such obligations duties and liabilities as they would have had and been subject to if they had obtained a special order under the Electricity (Supply) Acts 1882 to 1922 authorising them to supply electricity for all or any purposes within an area of supply consisting of the distribution area. Provided that the Company shall be entitled to exercise for the purposes of the supply authorised by this section all such powers of opening and breaking up streets roads railways and tramways within the distribution area as are exerciseable by them under the existing Acts within their area of supply for the purposes of their undertaking as authorised by those Acts.

(2) The maximum prices which may be charged by the Company as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 for electricity supplied by them under the powers of this section are those stated in the Third Schedule to this Act. Provided that except in any case in which the Company elect to charge by the method referred to in subsection (4) of this section the prices charged for electricity supplied for power purposes shall be regulated by the existing Acts or any Act amending the same.

(3) Notwithstanding anything in the foregoing provisions of this section the provisions of the Electricity (Supply) Acts 1882 to 1922 shall not except as hereinafter mentioned apply to the Company or their undertaking in respect of the powers conferred by this section or otherwise to any greater or other extent than they so apply under the provisions of the existing Acts. Provided that subsection (2) of section 2 and sections 21 (other than subsection (1) thereof) 22 to 37 41 to 47 and 63 to 68 of the

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schedule to the Electric Lighting (Clauses) Act 1899 as amended by subsequent Acts shall apply in respect of the powers conferred by this section in addition to the provisions of that schedule which apply to the Company or their undertaking under the provisions of the existing Acts. A.D. 1923.

(4) As an alternative to the methods of charging mentioned in section 31 of the schedule to the Electric Lighting (Clauses) Act 1899 the Company may charge for energy supplied by them under the powers of this section to any ordinary consumer for private house lighting and other domestic purposes by the method set out in section III. of the said Third Schedule to this Act.

(5) Nothing in this section shall affect or interfere with the right of any local authority company or person under section 52 (Local authorities and others may apply for Provisional Order) of the Act of 1903 to apply for a special order under the Electricity (Supply) Acts 1882 to 1922 for power to supply electricity within any part of the distribution area. Provided that the Company shall be entitled to oppose any such application.

(6) (a) The Company shall—

- (i) within a period of two years from the passing of this Act as respects any area within the distribution area in which there is at the passing of this Act a demand for a supply of electricity and a reasonable prospect of such supply being remunerative; and
- (ii) within a period of two years from the date on which the conditions hereinbefore referred to first exist after the passing of this Act in any area within the distribution area (other than any such area as is referred to in the foregoing paragraph (i));

or in either case within such extended time as may be approved by the Electricity Commissioners submit to those commissioners proposals for the supply of electricity in that area and those proposals to such extent as may be approved by the said commissioners shall be carried into effect by the Company within the time prescribed by the said commissioners when giving their approval.

(b) In the event of default by the Company under the provisions of this subsection the Minister of Transport

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A.D. 1923. — may if he thinks fit revoke the powers of the Company under this section in respect of any part or parts of the distribution area with respect to which the Company have so made default.

(7) The provisions of sections 2 and 3 of the Electric Lighting Act 1888 shall apply in respect of any part of the distribution undertaking authorised by this section with respect to which proposals for the supply of electricity have been approved by the Electricity Commissioners as aforesaid. Provided that notwithstanding anything contained in the said sections 2 and 3 or either of them the period of forty-two years after the expiration of which a local authority may purchase compulsorily so much of any such part as aforesaid of the said distribution undertaking as is within their jurisdiction shall be calculated from the following respective dates (that is to say):—

(a) the date of the approval of such proposals by the Electricity Commissioners in the case of any area to which such proposals relate consisting at that date or at any time within five years thereafter of a borough or urban district;

(b) the expiration of five years from the date of such approval as aforesaid in the case of any area to which such proposals relate consisting of the whole or part of a rural district.

(8) The Company shall within six months from the date of the passing of this Act deposit with the Electricity Commissioners a map of the distribution area.

(9) Nothing in this section shall in relation to the distribution area or any other part of the area of supply of the Company prejudice or restrict the powers of the Company under the existing Acts as amended by the provisions (other than this section) of this Act.

For protection of
Worcestershire County
Council.

36. For the protection of the Worcestershire County Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say):—

(1) The provisions of section 35 (For protection of Worcestershire County Council) of the Act of 1918 shall extend and apply to the cableway-conveyor railway and railway siding Works

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Nos. 1 2 and 3 authorised by this Act and to any works in connection therewith as if those works had been authorised by the Act of 1918 : A.D. 1923.

- (2) The provisions of subsections (2) and (8) of section 41 (For protection of county councils of Salop Stafford and Worcester) of the Act of 1906 (but no other provisions of that section) shall as respects any electric lines or works to be laid or placed by the Company under the powers of the section of this Act of which the marginal note is "General powers of distribution in part of area of supply" in upon across alongside or near to any main road vested in the council or any county or hundred bridge or approach repairable by or under the control of the council extend and apply for the benefit and protection of the council as if that subsection with the necessary modifications were re-enacted in this Act :
- (3) No main transmission lines shall be placed above ground along or across any road or county bridge or approach or across any common or open space to which the public have access without the consent of the council Provided that such consent shall not be unreasonably withheld and that any question between the Company and the council as to the withholding of the consent of the council shall be referred to and determined by the Minister of Transport :
- (4) In this section the expression "main transmission line" shall have the same meaning as in the Electricity (Supply) Act 1919.

37. For the protection of Mander and Company Limited (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the Company and the owners have effect (that is to say) :— For protection of Mander and Company Limited.

The Company shall not under the powers of the section of this Act of which the marginal note is "General powers of distribution in part of area of supply" supply electricity to any consumer in the parish of Upton in the rural district of Upton-upon-Severn unless and until they shall have purchased as a going concern from the

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owners upon terms to be agreed between the Company and the owners or (failing such agreement) to be determined by an engineer to be appointed (failing agreement between the parties) by the Electricity Commissioners the undertaking of the owners including all generating plant cables mains wires works and apparatus for the time being used by the owners for the supply of electricity Provided that nothing in this section shall interfere with or affect the exercise by the Company of any powers conferred upon them by the existing Acts or any of them.

For protection of Worcester Corporation.

38. Notwithstanding anything contained in the section of this Act of which the marginal note is "General powers of distribution in part of area of supply" except with the consent of the mayor aldermen and citizens of the city of Worcester (in this section called "the corporation") under their common seal the Company shall not supply electricity under the powers of that section in any part of—

- (a) the extended area defined in clause 1 of the agreement dated the fourteenth day of November one thousand nine hundred and twenty-one and made between the Company and the corporation; or
- (b) the area defined or referred to in clause 3 of that agreement;

and nothing in the said section contained shall prejudice or affect the rights and powers of the corporation under the said agreement.

For protection of Evesham Corporation.

39. Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Evesham (in this section called "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect:—

- (1) The Company shall lay down suitable and sufficient distributing mains for the purposes of general supply within a period of three years after the passing of this Act in the following streets in the borough of Evesham (in this section called "the borough") and shall thereafter

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maintain those mains Port Street Bridge Street A.D. 1923.
Market Place Vine Street High Street Greenhill
Road Greenhill Park Road : —

- (2) If at the expiration of three years after the passing of this Act the Company shall not have laid down the distributing mains set out in subsection (1) of this section the Minister of Transport on the representation of the corporation shall by order as aforesaid prescribe that the powers of this Part of this Act shall cease in the borough as from the date of the said order :
- (3) Notwithstanding anything contained in section 21 of the Electricity (Supply) Act 1919 the Company shall not erect any electric line above ground in the following streets in the borough viz. Port Street Bridge Street Market Place Vine Street High Street and Greenhill (between Great Western Railway Bridge and Prussia Pool) except with the consent of the corporation :
- (4) The provisions of section 2 of the Electric Lighting Act 1888 shall apply to the Company with respect to so much of their undertaking under this Part of this Act as is situate in the borough :
- (5) If at the expiration of three years after the passing of this Act the Company shall not have laid distributing mains for the purposes of general supply in the streets set out in subsection (1) of this section the corporation may apply for a special order under the Electricity (Supply) Acts 1882 to 1922 to authorise them to supply electricity in the borough and the Company shall not oppose any such application and if the corporation shall obtain any such order in respect of the borough the Company shall not without the consent of the corporation exercise within any part of the borough under such order the powers conferred by the section of this Act of which the marginal note is "General powers of distribution in part of area of supply."

40. For the protection of the Stourport Urban District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in

For further
protection
of Stourport

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A.D. 1923. writing between the Company and the council have effect
— (that is to say) :—

Urban
District
Council.

The Company shall within a period of three years from the date of the passing of this Act lay down suitable and sufficient distributing mains for the purposes of the general supply of electricity throughout such streets in the urban district of Stourport as may be agreed between the Company and the council or as failing such agreement shall be determined by the Electricity Commissioners.

Power to
withdraw
certain
notices to
treat.

41. It shall be lawful for the Company to withdraw the notices to treat served by them under the powers of the Act of 1918 in respect of the property numbered on the deposited plans referred to in that Act 1 in the parish of Lower Mitton in the urban district of Stourport and as from the passing of this Act section 37 (For protection of Worth's Trustees and another) of the Act of 1918 shall be repealed.

Power to
pay interest
on shares
out of
capital.

42.—(1) Notwithstanding anything in the existing Acts or the Acts incorporated therewith it shall be lawful for the Company to pay out of any money by the existing Acts or any of them authorised to be raised interest at such rate not exceeding seven and a half per centum per annum as the directors of the Company may determine to any holder of any shares in the general capital or the separate capital issued after the thirty-first day of December one thousand nine hundred and twenty-one 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 five years from the date or respective dates of issue of the said shares 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 total amount of the share capital authorised by the existing Acts has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same;

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- (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; A.D. 1923.
- (c) The aggregate amount to be so paid for interest shall not exceed sixty-two thousand five hundred pounds and that amount shall be apportioned between shares in the general capital and shares in the separate capital in such proportions as the directors of the Company may from time to time determine;
- (d) The expression "issued and accepted" in paragraph (a) of this subsection shall be deemed to include shares agreed to be taken under contract notwithstanding the provisions of section 9 (Shares not to be issued until one-fifth paid) of the Act of 1903. 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 have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company issued or published by or on behalf of the Company after the passing of this Act inviting subscriptions for any shares with respect to which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares;
- (f) The yearly accounts of the Company relating respectively to the general undertaking and to the separate undertaking shall show the amount of the general capital or the separate capital on which and the rate at which interest has been paid in pursuance of this section.

(2) Save as set forth in subsection (1) of this section no interest shall be paid out of any share or loan capital which the Company are by the existing Acts 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.

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(3) Section 19 (Power to pay interest out of capital) of the Act of 1905 section 22 (Section 19 of Act of 1905 to apply to increased capital) of the Act of 1906 section 44 (Amending section 19 of Act of 1905 and section 22 of Act of 1906) of the Act of 1918 and subsection (2) of section 14 (Amending sections 43 and 44 of Act of 1918) of the Act of 1919 are hereby repealed.

Power to
pay interest
on bor-
rowed
money out
of capital.

43.—(1) Notwithstanding anything in the existing Acts or the Acts incorporated therewith the Company may out of any money by the existing Acts authorised to be raised on mortgage or by the creation and issue of debenture stock pay interest at such rate not exceeding seven and a half per centum per annum as the directors of the Company may determine to the holder of any mortgage or debenture stock granted or issued by the Company after the thirty-first day of December one thousand nine hundred and twenty-one under the powers of the existing Acts or any of them on the amount of such mortgage or debenture stock held by him until the expiration of five years from the date or respective dates of the granting or issue of such mortgage or debenture stock.

(2) The aggregate amount to be so paid for interest shall not exceed one hundred and twenty-five thousand pounds and that amount shall be apportioned between mortgages and debenture stock forming part of the general capital and mortgages and debenture stock forming part of the separate capital in such proportions as the directors of the Company may from time to time determine.

(3) Section 43 (Power to pay interest during construction) of the Act of 1918 and subsection (1) of section 14 (Amending sections 43 and 44 of Act of 1918) of the Act of 1919 are hereby repealed.

Provisions
as to pay-
ment of
interest out
of capital.

44. Notwithstanding anything contained in the sections of this Act of which the marginal notes are respectively "Power to pay interest on shares out of capital" and "Power to pay interest on borrowed money out of capital"—

(a) the Company shall not apply any money raised by the issue of any part of the separate capital

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in payment of interest on any shares mortgages or debenture stock forming part of the general capital; A.D. 1923.
—

- (b) the Company shall not apply any money raised by the issue of any part of the general capital in payment of interest on any shares mortgages or debenture stock forming part of the separate capital.

45.—(1) The provisions of the Statutory Companies (Redeemable Stock) Act 1915 (in this section referred to as "the Act of 1915") shall extend and apply to the whole of the capital authorised by the existing Acts or any of them as if all such capital had been authorised to be created and issued or granted before the commencement of the Act of 1915 and for the purposes of the Act of 1915 the Company shall be deemed to be a Company carrying on a public undertaking within the meaning of subsection (1) of section 2 of the Act of 1915. Issue of redeemable preference shares and debenture stock.

(2) The creation and issue by the Company in or before the year one thousand nine hundred and twenty-one of redeemable debenture stock to the nominal amount of eight hundred thousand pounds and of fifty thousand redeemable cumulative preference shares of one pound each is hereby ratified and confirmed and the said debenture stock and preference shares shall be deemed to have been issued under the powers of this section.

46.—(1) For the purposes of section 72 of the Companies Clauses Consolidation Act 1845 in its application to any meeting of the Company the prescribed quorum shall be twenty holders of ordinary shares of the Company (whether forming part of the general capital or of the separate capital) entitled to vote at that meeting or any less number of such holders holding in the aggregate shares in respect of which they are entitled to vote as aforesaid and on which the total amount paid up is not less than one-twentieth of the whole amount for the time being paid up on the ordinary shares of the Company in respect of which the holders (if present) would be entitled to vote at that meeting. Quorum at general meetings.

(2) Section 22 (General meetings) of the Act of 1905 is hereby repealed.

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—
Power to
apply funds.

47. The Company may apply for or towards the purposes of this Act to which capital is properly applicable relating respectively to the general undertaking and to the separate undertaking any sums of money which they have already raised or are authorised to raise under or by virtue of the existing Acts for the purposes of those undertakings respectively.

Costs of
Act.

48. 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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THE SCHEDULES referred to in the
foregoing Act.

A.D. 1923.

THE FIRST SCHEDULE.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY
MAY BE ACQUIRED BY THE COMPANY.

Area.	Numbers on deposited Plans.
Urban District of Stourport	S 9 57 58

THE SECOND SCHEDULE.

DISTRIBUTION AREA.

In the county of Salop—

The municipal borough of Bishop's Castle;

The rural districts of Burford Cleobury Mortimer
Ludlow and Teme;

The parishes of Bishop's Castle (Rural) Clun Clunbury
Clungunford Edgton Hopesay Hopton Castle Lydbury
North and Mainstone in the rural district of Clun.

In the county of Stafford—

The parish of Castlehill in the rural district of Dudley.

In the county of Worcester—

The municipal boroughs of Bewdley and Evesham;

The urban district of Stourport;

The rural districts of Evesham Feckenham Martley
Persnore Rock and Tenbury;

The parishes of Berrow Birismorton Bushley Castle-
morton Croome D'Abitot Earls Croome Guarlford
Hanley Castle Hill Croome Holdfast Kempsey Little
Malvern Longdon Madresfield Newland Powick Queen-
hill Ripple Severn Stoke Upton-upon-Severn and
Welland in the rural district of Upton-upon-Severn
Bredon Norton-by-Bredon Overbury Conderton and
Teddington in the rural district of Tewkesbury.

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THE THIRD SCHEDULE.

MAXIMUM PRICES CHARGEABLE IN DISTRIBUTION AREA.

In this Schedule :—

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

SECTION I.

Where the Company charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :—

(a) In respect of the quarters ending 31st March and 31st December—

For any amount up to fifteen units fifteen shillings and for each unit over fifteen units one shilling;

(b) In respect of the quarters ending 30th June and 30th September—

For any amount up to ten units ten shillings and for each unit over ten units one shilling.

SECTION II.

Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him 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 that 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 the regulations of the Electricity Commissioners.

SECTION III.

A service charge per quarter of two shillings and sixpence for each room wired for the supply of electricity and in addition a sum of threepence half-penny per unit for all units supplied.

For the purposes of this section the word "room" shall or shall be deemed to include a hall landing and attic (provided the same be used as living rooms) but shall not include a passage lumber room scullery pantry cellar bathroom or lavatory.

THE FOURTH SCHEDULE.

A.D. 1923.

AN AGREEMENT made the thirteenth day of March one thousand nine hundred and twenty-three between the STAFFORDSHIRE AND WORCESTERSHIRE CANAL COMPANY (hereinafter called "the Canal Company") of the one part and the SHROPSHIRE WORCESTERSHIRE AND STAFFORDSHIRE ELECTRIC POWER COMPANY (hereinafter called "the Electric Company") of the other part.

WHEREBY the said parties hereto hereby mutually agree and declare as follows:—

1. In consideration of the payments hereinafter specified and subject to such payments being duly made the Electric Company shall for the term of forty years from the date of confirmation of this agreement as hereinafter provided (but with the option to the Electric Company to determine such term at the expiration of thirty years upon giving twelve previous months notice in writing to the Canal Company) and thereafter until this agreement shall be terminated by twelve calendar months previous written notice from either party to the other party have the following rights easements and privileges for the purpose of transporting or conveying coal or any other materials to their proposed new generating station at Stourport the site whereof is shown and coloured green on the plan annexed hereto (namely)—

- (a) The exclusive use possession and enjoyment of the land belonging to the Canal Company situate in and near Severn Road in Stourport aforesaid and delineated and coloured pink on the said plan and also of the adjoining boat dock shown and coloured blue on the said plan together with the right of erecting maintaining and using on the said land or any part or parts thereof all such mechanical appliances for the unloading removal or conveyance of coal or any other materials as the Electric Company may require for the aforesaid purpose;
- (b) The joint use in common with all other persons for the time being entitled thereto of the whole of the canal basin also shown and edged yellow on the said plan and of the wharf the frontage of which to the said canal basin lies between the points A and B also marked on the said plan;

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(c) The right to carry and maintain a cableway-conveyor over and across the Canal Company's canal at the point near the Great Western Railway Bridge over such canal at Stourport and at a height over such canal to be approved by and otherwise to the reasonable satisfaction of the Canal Company's general manager or surveyor :

Provided always that in the event of the Canal Company giving to the Electric Company notice in accordance with the terms hereof to terminate the term hereby created it shall be lawful for the Electric Company to require that such tenancy shall be renewed for such period and on such terms as failing agreement between the parties shall be determined by an arbitrator to be appointed by the parties or failing agreement by the President for the time being of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 or any amendment or re-enactment thereof for the time being in force shall apply to such arbitration Provided also that the terms for any extended tenancy both as to the annual amounts to be paid to the Canal Company for rent and in respect of tolls and in all other respects to be awarded by any such arbitrator shall in any case not be smaller or less favourable to the Canal Company than those reserved or provided for by this agreement for and during the said term of forty years.

2. During the said term of forty years (if not terminated by the Electric Company at the end of thirty years as before mentioned) and thereafter until this agreement shall be terminated by notice as aforesaid the Electric Company shall pay the Canal Company the annual rent or sum of one hundred and seventy-five pounds (which shall also be inclusive of all wharfage charges for or in respect of the said wharf or land) by equal half-yearly payments on the twenty-fifth day of December and the twenty-fourth day of June the first of such half-yearly payments to become due and payable on the twenty-fifth day of December next and they shall also pay all rates taxes assessments and other outgoings (except land tax and landlords property tax) which during the continuance of this agreement shall be imposed upon or payable in respect of the said land and/or boat dock Provided that until the cableway-conveyor referred to in clause 1 (c) hereof shall be constructed the annual rent or sum payable under this clause shall be one hundred and fifty pounds instead of one hundred and seventy-five pounds.

3. During the term of thirty years (or forty years as the case may be) from the date hereof and thereafter until this agreement shall be terminated by notice as aforesaid the Electric Company shall on the expiration of each and every year in which the Canal Company shall not receive from the Electric Company

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and Staffordshire Electric Power Act, 1923.*

as much as five hundred pounds for tolls in respect of coal or any other fuel transported or conveyed along or over the Canal Company's canal for use at the said generating station forthwith pay to the Canal Company such sum of money as with any tolls received by them from the Electric Company during such year shall make up five hundred pounds it being intended that the Canal Company shall in each and every year during the continuance of this agreement in any case receive from the Electric Company under this clause of this agreement not less than five hundred pounds Provided always that the Electric Company's liability under this clause shall not take effect or commence to operate until the date on which they shall first commence to generate current at their proposed generating station for supply or use away from the said station Provided further that in the event of a stoppage of the navigation on the canal by frost or other cause causing unreasonable delay in conveyance of coal and slack or any other fuel by the Canal Company to the said generating station the minimum charge of five hundred pounds per annum shall be proportionately reduced.

A.D. 1923.

4. The Canal Company's costs and expenses of and incidental to the preparation and completion of this agreement and in relation to or connection with the Parliamentary Bill mentioned in clause 6 hereof shall be in any case paid by the Electric Company.

5. If after the cableway-conveyor mentioned in clause 1 (c) hereof has been constructed it shall become necessary or advisable by reason or in view of any alteration diversion widening or other improvement of the said canal or the canal towing path to remove alter or vary the position of the said cableway-conveyor the same shall on receipt of written notice in that behalf from the Canal Company's general manager or surveyor be forthwith removed altered or varied by and at the expense of the Electric Company and in a manner to the reasonable satisfaction of such general manager or surveyor.

6. This agreement is conditional on its confirmation by Parliament by the Bill now being promoted by the Electric Company under the title of the Shropshire Worcestershire and Staffordshire Electric Power Bill 1923 and of the powers sought by the Company to construct Works No. 1 and No. 2 therein described being passed into law.

7. This agreement is subject to such alterations as Parliament may think fit to make therein but if the said Bill shall fail to pass into law or if this agreement shall not be confirmed by Parliament during the session of 1923 or if Parliament shall make any alteration of this agreement to which either of the parties hereto shall not agree such party may by twenty-four hours notice to the other of them withdraw from this agreement and

[Ch. xcvi.] *Shropshire, Worcestershire [13 & 14 GEO. 5.]
and Staffordshire Electric Power Act, 1923.*

A.D 1923. — thereupon the same shall be void and of no effect and neither of the parties hereto shall in that case have any claim against the other party in respect of anything hereinbefore contained save and except only that the Canal Company's costs and expenses shall be paid as provided by clause 4 hereof.

8. In and for the purposes of this agreement the expressions "the Canal Company" and "the Electric Company" shall be deemed to include besides the Canal Company and the Electric Company respectively their respective successors and assigns.

In witness whereof the said parties have caused their respective common seals to be hereunto affixed the day and year first aforesaid.

The common seal of the Shropshire Worcestershire and Staffordshire Electric Power Company was hereunto affixed in the presence of—

C. SHIRREFF HILTON }
E. GARCKE } Directors.
P. M. ROSSDALE }
Secretary.

L.S.

The common seal of the Staffordshire and Worcestershire Canal Company was hereunto affixed in the presence of—

LAWLEY TAVERNER SMITH }
Director. }
A. J. BUTLER }
Clerk to the Company. }

L.S.

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