



CHAPTER xciii.

An Act for incorporating and conferring powers upon the Lanarkshire Hydro-Electric Power Company and for other purposes.

A.D. 1924.

[7th August 1924.]

WHEREAS the construction and working of electricity generating stations in the parishes of Lanark and Lesmahagow in the county of Lanark for the supply of electricity would be of public and local benefit :

And whereas the application for that purpose by means of the works by this Act authorised of power afforded by water derived from the River Clyde will facilitate the provision of such supply at low rates of charge :

And whereas the persons in this Act named with others are willing at their own expense to construct such generating stations and works for the purposes of such supply and it is expedient that they be incorporated into a company (hereinafter called "the Company") and that power should be conferred on the Company for such purposes and for acquiring certain lands for such generating stations and works and generally for carrying out the objects and provisions of this Act :

And whereas it is expedient that such provisions should be made with reference to the supply of electricity by the Company as are in this Act contained :

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And whereas it is expedient that the other powers mentioned in this Act should be conferred on the Company and that such other provisions should be made as are in this Act contained :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and describing the lands to be taken for the purposes of this Act with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Lanark and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

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

Short title.

1. This Act may be cited as the Lanarkshire Hydro-Electric Power Act 1924.

Application of Electricity (Supply) Acts.

2. This Act shall be deemed a special Act within the meaning of the Electricity (Supply) Acts 1882 to 1922 but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the Company or to their undertaking.

Incorporation of Acts.

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

(1) The Companies Clauses Consolidation (Scotland) Act 1845 :

(2) Part I. (Cancellation and surrender of shares) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

- (3) The Lands Clauses Acts with the exception of section 120 (Lands not wanted to be sold or in default to vest in owners of adjoining lands) of the Lands Clauses Consolidation (Scotland) Act 1845: A.D. 1924.
- (4) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith and section 16 (Company may execute works) of that Act Provided that in the application of the said provisions to this Act "the railway" shall mean the several works by this Act authorised and "the centre of the railway" shall mean the respective centre lines of such works as shown on the deposited plans:
- (5) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 except the following provisions (that is to say) section 2 (2) sections 3 to 9 11 to 37 39 to 60 63 to 68 71 75 to 78 and 81 which provisions shall not apply to the Company or their undertaking.

4. In this Act the several words terms and expressions to which by the principal Acts or the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to that construction And— Interpretation.

"The Company" means the Company incorporated by this Act;

"The undertaking" means the undertaking authorised by this Act;

"The principal Acts" means the Electric Lighting Acts 1882 and 1888 and the schedule to the Electric Lighting (Clauses) Act 1899;

"The Electricity Commissioners" means the Electricity Commissioners constituted under the Electricity (Supply) Act 1919;

"The road authority" means the district committee constituted under the Local Government (Scotland) Acts and having jurisdiction in the district

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in which the road footpath or other right of way in relation to which the expression is used is situate;

“The directors” means the directors of the Company.

Company
incorpor-
ated.

5. Percy John Pybus William Lionel Hichens the Right Honourable Lord Meston Sir Hugh Reid John Sampson and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of the Lanarkshire Hydro-Electric Power Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of land and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

General
purposes
and powers
of Company.

6. The Company shall be established for the purpose of producing generating using and supplying electricity and diverting and using water for furthering such production and generation and of constructing erecting laying down maintaining working and using electricity generating stations engines turbines dynamos supply channels mains pipes and other works for the said purposes or any of them and generally for the purpose of carrying out the powers and purposes of this Act and the Company may subject to the provisions of this Act erect lay down maintain work and use such stations and works and produce generate use transform and supply electricity and divert and use water accordingly and the powers of the Company shall include the acquisition construction maintenance working and user or discontinuance sale letting and disposal of all such land buildings works machinery plant materials matters and things and the exercise of such powers and the construction and doing of such works and things as may be necessary or convenient in for or in connection with or arise or be used in the production generation use transformation and supply of electricity and shall include all necessary powers for providing or working materials matters and things for those purposes or any of them or for otherwise carrying on the undertaking.

7. The domicile of the Company for the purposes of any judicial proceedings relating to the undertaking or to the execution of any of the powers contained in this Act shall be deemed to be Glasgow.

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Domicile of
Company.

8. The capital of the Company shall be two hundred and fifty thousand pounds. Provided that the capital of the Company may from time to time be increased to such extent up to but not exceeding four hundred thousand pounds as may be authorised by a special order made by the Electricity Commissioners and confirmed by the Minister of Transport in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1922 and the Company are hereby authorised to make application for and the Commissioners to make and the Minister of Transport to confirm such orders accordingly. Provided that a special order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modifications by a resolution passed by each such House. The Company may raise any capital which they may from time to time be authorised to raise by the creation and issue at their option of shares or stock either ordinary or preference and either of one class with like privileges or of several classes and with different privileges and of the same or different amounts and respectively with any fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest or wholly or partially by one or more of those modes respectively. Provided always that the Company shall not issue any share of less nominal value than one pound nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Capital.

9. The Company may raise for the purposes of this Act at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any of those modes any sum or sums not exceeding in the whole one-half part of any capital for the time being issued by the Company under the provisions of the section of this Act of which the marginal note is

Power to
borrow.

A.D. 1924. "Capital." In addition to exercising the foregoing provisions of this section the Company may with the consent of the Electricity Commissioners (which consent the said Commissioners are hereby authorised to give) raise for the purposes aforesaid wholly or partially by any of the said modes such further sum or sums not exceeding in the whole one-half part of the capital for the time being issued by the Company under the provisions of the said section :

Provided always that no part of any such sum or sums shall be borrowed or raised until the whole of the capital in respect of which the power to raise the same is exercised is issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appoint-
ment of a
judicial
factor.

10. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Debenture
Stock.

11. The Company may create and issue debenture stock subject to the provisions of Part III. of the

Companies Clauses Act 1863 but notwithstanding any- A.D. 1924.
thing therein contained the interest of all debenture
stock and of all mortgages or debentures at any time
created and issued or granted by the Company under
this or any subsequent Act shall subject to the pro-
visions of any subsequent Act rank *pari passu* (without
respect to the dates of the securities or of the Acts
or resolutions by which the stock debentures and
mortgages were authorised) and shall have priority
over all principal moneys secured by such stock mort-
gages and debentures Notice of the effect of this
enactment shall be endorsed on all mortgages debentures
and certificates of debenture stock.

12. Subject to the provisions of this Act all moneys Application
raised under this Act whether by shares stock deben- of moneys.
tures debenture stock or borrowing shall be applied
only to purposes to which capital is properly applicable.

13.—(1) The Company may issue as redeemable Redeemable
preference shares or stock or redeemable debentures securities.
or debenture stock any preference shares or stock or
debentures or debenture stock which the Company
are authorised by this Act to create and issue Pro-
vided that the resolution authorising the creation or
issue of such redeemable preference shares or stock
debentures or debenture stock (hereinafter in this
section referred to as “redeemable shares or stock”)
shall specify the terms and conditions on which
redeemable shares or stock shall be redeemed.

(2) If it is so provided in the resolution under
which redeemable shares or stock as the case may be
are or is created or issued the Company may—

(a) Call in and pay off the redeemable shares or
stock or any part thereof at any time before
the fixed date of redemption; and

(b) Redeem the redeemable shares or stock or
any part thereof either by paying off the
redeemable shares or stock or by issuing to
any shareholder or stockholder subject to his
consent other shares stock or securities in
substitution therefor and may for the purpose
of providing money for paying off the redeem-
able shares or stock or of providing substituted
shares stock or securities create and issue

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new shares stock or securities (either redeemable or irredeemable) or re-issue redeemable shares or stock originally created and issued under this section. Provided that the creation and issue for the purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are by this Act for the time being authorised to issue save so far as such creation and issue is for the purpose of paying off shares stock debentures or debenture stock issued under the provisions of this section or of providing shares stock debentures or debenture stock substituted therefor under this section.

Priority of mortgages and debenture stock over other debts.

14. All money to be raised by the Company on mortgage debentures or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any feu duty or ground annual granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any feu duty ground annual rent or sum reserved or payable under any feu-charter feu-contract contract of ground annual disposition lease or other deed granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Purchase and cancellation of Company's securities.

15. Nothing in the section of this Act of which the marginal note is "Redeemable securities" shall be deemed to prevent the Company purchasing and the Company are hereby authorised to purchase any securities of the Company issued under the provisions of that section.

Any securities so purchased shall immediately after the purchase thereof be cancelled and shall thenceforth be and be taken to be extinguished and the directors shall cause the same to be duly noted as so cancelled and extinguished in the books of the Company.

No such security so purchased otherwise than in the open market shall be purchased at a price exceeding the price as recorded in the Company's books at which the last transaction in the same class of security has taken place. A.D. 1924.

The Company shall not re-issue any security which shall have been cancelled under the provisions of this section.

16. When ten thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto and their personal representatives or successors for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land and such sum shall be deemed to be the prescribed sum for the purposes of section 16 of the Lands Clauses Consolidation (Scotland) Act 1845. Capital subscription for exercise of compulsory powers.

17. A certificate under the hand of the sheriff certifying that the said sum of ten thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof and on the application of the Company and the production of such evidence as the sheriff shall think proper and sufficient a certificate shall be granted accordingly. Certificate of subscription of capital.

18. The Company may agree with the owner of any lands or any estate or interest therein or any right or servitude in or over or affecting the same which the Company are by this Act authorised to acquire that the consideration to be paid for the same including the compensation (if any) for damage by severance or other injurious affection of the lands of the owner shall be paid wholly or in part by the allotment to such owner of such number of fully paid-up shares or fully paid-up stock in the capital of the Company or such debentures or such amount of debenture stock as shall be agreed upon between the Company and such owner and thereupon it shall be lawful for the Company to issue such shares stock debentures or debenture stock accordingly and all shares or stock issued pursuant to this section shall for all purposes be deemed to be fully paid-up shares or stock in the capital of the Company and all Shares may be issued in payment for land &c.

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shares stock debentures or debenture stock so issued shall vest in the person to whom they are issued and the names of the holders thereof shall be inserted as such in the registers of the Company of shareholders stockholders debenture holders or debenture stockholders as the case may be.

Power to
subscribe
for shares or
lend money
to other
under-
takings.

19. The Company may subscribe for purchase hold and dispose of shares stock or securities in any incorporated company taking or agreeing to take a supply of electricity from the Company or making producing or dealing in electrical plant or appliances or other articles used in or in connexion with the generation or use of electricity and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply from the Company or making producing or dealing in such plant appliances or articles.

First
ordinary
meeting.

20. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Annual
meeting of
Company.

21. The ordinary general meeting of the Company shall be held in each year in the months of March or April or at such other times as the directors may from time to time appoint.

Number of
directors.

22. The number of directors shall be three but the Company may vary the number provided that the number be not less than three nor more than seven.

Qualifica-
tion of
directors.

23. The qualification of a director shall be the possession in his own right of shares or stock or shares and stock of the Company of the nominal value of two hundred and fifty pounds and every director who is not qualified at the time of his appointment as a director shall obtain his qualification within two months after his appointment and if any director does not within such two months obtain his qualification he shall vacate his office as director and shall be incapable of being re-appointed a director until he has obtained his qualification.

Quorum.

24. The quorum of a meeting of directors shall be two when the total number of directors does not exceed five and three when the total number of directors exceeds five.

25. Percy John Pybus Sir George May and Sir Hugh Reid shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the proprietors of the Company present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election. At the first ordinary meeting to be held in every year after the first ordinary meeting the proprietors of the Company present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845. The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

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Directors.

26.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

Appoint-
ment of
managing
director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

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Notices of
ordinary
meetings.

27. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each proprietor of the Company instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each such proprietor prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed.

Defining
right of
voting.

28.—(1) At all general meetings of the Company every holder of ordinary shares or ordinary stock shall be entitled to one vote in respect of every amount of one pound of such shares or stock held by him Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

Appoint-
ment of
proxies.

29. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 the attorney of any shareholder or stockholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint
holders.

30. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are

entitled to vote) either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

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31. If and so long as the ordinary meetings of the Company shall be held once only in each year the balance sheet and accounts made up in accordance with section 119 of the Companies Clauses Consolidation (Scotland) Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Annual
accounts.

32. The directors may in any year without calling a meeting of proprietors of the Company for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies.

Interim
dividends.

33.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate.

Closing of
transfer
books.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

34. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation

Determina-
tion of
remunera-

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tion of
secretary
and
auditors.

Receipt in
case of
persons not
sui juris.

Works.

(Scotland) Act 1845 and the Companies Clauses Act 1863 as amended by subsequent Acts they may determine the remuneration of the secretary and auditors of the Company.

35. If any money is payable to a shareholder stockholder or mortgagee debenture holder or debenture stockholder being a pupil minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

36. Subject to the provisions of this Act the Company may make construct maintain and use in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper roads ways weirs sluices culverts tunnels aqueducts catchwaters sewers drains pipes telegraphs telephones engines turbines dynamos apparatus buildings works and conveniences in connexion with or auxiliary to the said works or any of them or necessary or convenient for constructing inspecting and maintaining the same and may enter upon take hold appropriate and acquire and use such of the lands and properties shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the said works or some of them The works hereinbefore referred to are wholly situate in the county of Lanark and are the following (that is to say) :—

Work No. 1 A weir 65 yards or thereabouts in length across the River Clyde partly in the parish of Lanark and partly in the parish of Lesmahagow commencing on the right bank of the said river at a point 845 yards or thereabouts measured in a westerly and north-westerly direction along the said right bank from the ford over the said river known as Tulliford and terminating on the left bank of the said river at a point 750 yards or thereabouts measured in a westerly and north-westerly direction along the said left bank from the said ford :

Work No. 2 A catchwater aqueduct conduit line or lines of pipes wholly in the said parish of Lanark commencing on the right bank of the said river

at the point of commencement of the weir (Work No. 1) hereinbefore described and terminating on the said right bank at a point 565 yards or thereabouts measured in a south-easterly and southerly direction along the said right bank from the mill dam of the mills known as the New Lanark Mills : A.D. 1924.

Work No. 3 A weir 65 yards or thereabouts in length across the said river partly in the said parish of Lanark and partly in the said parish of Lesmahagow commencing on the right bank of the said river at a point 1745 yards or thereabouts measured in a westerly south-westerly and north-westerly direction along the said right bank from the western parapet of the bridge over the said river at Kirkfieldbank known as Lanark Old Bridge and terminating on the left bank of the said river at a point 1700 yards or thereabouts measured in a westerly south-westerly and north-westerly direction along the said left bank from the western parapet of the said bridge :

Work No. 4 A catchwater aqueduct conduit line or lines of pipes wholly in the said parish of Lanark commencing on the right bank of the said river at the point of commencement of the weir (Work No. 3) hereinbefore described and terminating on the said right bank at a point 2275 yards or thereabouts measured in a westerly south-westerly north-westerly and westerly direction along the said right bank from the western parapet of the said Lanark Old Bridge :

Provided that any telegraphs or telephones made constructed laid down and maintained by the Company under this section 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.

37.—(1) In the execution maintenance and working of the works authorised by this Act all reasonable regard shall be had to the preservation as well for the public as for private owners of the beauty of the scenery of the districts in which the said works are situated. For protection of scenery.

(2) For the purpose of securing the observance of the foregoing provisions of this section and of aiding the

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(3) The Company shall—

- (a) at least one month before commencing the execution of any such work furnish to the committee such plans and particulars as may be reasonably necessary to enable the committee to judge of the effect upon the beauty of the scenery of the execution maintenance and working of the work;
- (b) at all times so far as they lawfully can afford to the committee reasonable facilities for inspection of the sites and surroundings of such works and of works during construction;
- (c) defray the reasonable expenses of the committee incurred under this section as approved by the Secretary for Scotland but to an amount not exceeding fifty pounds in any one year or two hundred and fifty pounds in the whole.

(4) The committee may make to the Company such recommendations as they think proper and reasonable for the preservation of the beauty of the scenery and shall if so desired consult with representatives of the Company thereon before making the same.

(5) If the Company are prepared to comply with any such recommendation they shall intimate their acceptance thereof to the committee within one month after the receipt of the recommendation or within such further time as the committee may in any case agree and failing such intimation the committee may make a representation to the Secretary for Scotland who after consideration of the representation and after giving to the committee and the Company an opportunity of being heard may make such order or orders (if any) as he thinks fit and the Company shall comply with any order so made.

(6) Provided always that no recommendations or orders made under this section shall be of such a character as would be likely to imperil the financial success of the

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undertaking or be such as cannot be carried out on lands which can be acquired by the Company under the powers of this Act or such as to limit the amount of water which the Company are by this Act authorised to use for the purposes of the undertaking or such as to conflict with any obligations which the Company may have entered into with any landowner or other person for the preservation of the beauty of the scenery nor shall any such order require the Company to pull down any works already constructed by them or to construct any other works in lieu thereof.

(7) The Company shall not exhibit or permit to be exhibited any advertisement (other than advertisements relating to the undertaking or advertisements approved by the committee or the Secretary for Scotland) on any lands acquired or leased by them under the provisions of this Act.

(8) If the Company wilfully fail to comply with any order of the Secretary for Scotland made under this section or with any recommendation of the committee which has been accepted by the Company or with the provisions of the immediately preceding subsection they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such non-compliance may continue after conviction in that behalf such penalty and daily penalty to be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable.

38. In addition to acquiring any other lands which the Company are authorised to acquire by this Act the Company may subject to the provisions of this Act enter upon take hold appropriate and acquire and use the lands hereinafter described in the parishes of Lanark and Lesmahagow in the county of Lanark for the purpose of approaches and gaining accesses to the works by this Act authorised and of erecting laying down maintaining renewing repairing inspecting testing and working aqueducts conduits cables mains apparatus transformer stations and other underground works and standards and overhead cables wires and apparatus and constructing thereon roads approaches ways and means of access to any such works and any other purposes of this Act and may enter upon pass over break open take use and otherwise interfere with such lands and do all

Additional
lands for
accesses to
works &c.

A.D. 1924. such works and things as may be necessary for effecting the purposes aforesaid or any of them in along across under or over the said lands.

The said lands hereinbefore referred to in this section are as follows:—

In the said parish of Lanark—

A strip of land varying in width from 40 yards to 10 yards or thereabouts extending in a north-easterly direction for a distance of 570 yards or thereabouts from the point of commencement of the catchwater aqueduct conduit line or lines of pipes (Work No. 2) hereinbefore described thence in a south-easterly and north-easterly direction for a distance of 817 yards or thereabouts to a point on the road leading from Robiesland Farm to Tulliford 170 yards south of the easternmost entrance lodge to Bonnington Mansion House;

A strip of land 6 yards or thereabouts in width extending in a northerly easterly and north-easterly direction for a distance of 1730 yards or thereabouts from the point where the road from Lanark to Tulliford passes Robiesland Farm to a point on the road leading from Lanark to Hyndford Bridge 510 yards or thereabouts measured along the said road in a westerly direction from the milestone on the said road marked "Carlisle 73";

A strip of land varying in width from 20 yards to 8 yards or thereabouts extending in a southerly westerly and south-easterly direction for a distance of 950 yards or thereabouts from the point where the public road from New Lanark passes the northernmost entrance lodge to Bonnington Mansion House to the north-easterly corner of the lands first described in the First Schedule to this Act;

A strip of land varying in width from 50 yards to 17 yards or thereabouts extending in a northerly direction for a distance of 750 yards or thereabouts from the northernmost corner of the lands secondly described in the First Schedule to this Act to a point on the road leading from the farm known as West-town of

Nemphlar 150 yards or thereabouts measured along the said road in an easterly direction from the junction with the said road of the service road leading therefrom to the farm known as Middlebank. A.D. 1924.

In the said parish of Lesmahagow—

A strip of land 33 yards or thereabouts in width extending in a south-westerly direction for a distance of 133 yards or thereabouts from the point of termination of the weir (Work No. 3) hereinbefore described to a point on the road leading from Hamilton to Lanark 1630 yards or thereabouts measured along the said road in a westerly direction from the Kirkfieldbank Post Office;

A strip of land 33 yards or thereabouts in width extending in a north-easterly direction for a distance of 115 yards or thereabouts from a point on the road leading from Hamilton to Lanark 80 yards or thereabouts measured in an easterly direction from the easternmost point of the building known as Cairniepark to the centre of the said River Clyde.

39. The Company may in constructing the works by this Act authorised deviate from the lines or position thereof as shown on the deposited plans relating thereto to the extent of the limits of deviation shown thereon and the Company may also deviate from the levels of all or any of the works authorised by this Act as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards. Power to deviate.

40. 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 the sheriff for the county in which such lands are situate for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such Correction of errors in deposited plans and book of reference.

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A.D. 1924. — matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the clerk of the parish council of any parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such 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.

Company
may stop up
footpaths
&c.

41. The Company may stop up and discontinue for public traffic any footpaths and ways on over or across the lands shown on the deposited plans and described in the deposited book of reference and acquired by the Company under the powers of this Act and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by virtue of this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage in over or affecting the same:

Provided that no public footpath or way shall be stopped up or discontinued until substitute footpaths or ways have been completed by the Company to the satisfaction of the road authority and are open for public use or in case of difference between the Company and the road authority until the sheriff of the county of Lanark shall have certified that the said footpaths or ways have been completed to his satisfaction and are open for public use. Before applying to the sheriff for his certificate the Company shall give to the road authority fourteen days' notice in writing of their intention to apply for the same.

The Company shall at their own expense maintain any such substitute footpaths or ways for two years from the date of completion and opening thereof for public use.

Subsidiary
works.

42.—(1) Subject to the provisions of this Act the Company may within the limits of deviation or within the limits of lands to be acquired shown on the deposited

plans deepen dredge widen alter and improve the bed banks and channel of and lay down erect construct make and maintain temporarily or permanently coffer-dams piles piers weirs stages walls embankments and other subsidiary works in upon or over any part of the River Clyde and reclaim and use for the purposes of and in connection with any works or any generating station authorised by this Act any part of any such bed and channel as aforesaid and may appropriate use and dispose of any materials obtained by them in carrying out any such operation. A.D. 1924.
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(2) Subject to the provisions of this Act the Company may within the limits of deviation or within the limits of lands to be acquired shown on the deposited plans temporarily or permanently use alter and interfere with highways public and private roads streams drains sewers telegraphic and telephonic apparatus and gas water and other pipes wires works and apparatus providing where possible a proper substitute before interrupting the traffic on any such highway or road or the passage of water sewage gas or electricity in or through any such stream sewer drain pipe wire work or apparatus and making full compensation to all persons injuriously affected by anything done under the provisions of this section :

Provided that the Company shall not alter or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of that Act.

43. And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if Owners may be required to sell parts only of certain lands and buildings.

A.D. 1924. — such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Acquisition
of servi-
tudes.

44.—(1) Notwithstanding anything contained in this Act the Company in lieu of acquiring for any purposes of this Act the lands whereof the whole or any part is described in the Third Schedule to this Act or any part of any such lands may acquire compulsorily servitudes rights or privileges of using such lands or any of them or any part thereof for the purpose of approaches or accesses to and conveying materials to and from any works by this Act authorised whether during or after their construction and forming and making and maintaining thereon roads approaches ways and means of access to such works or any of them and of laying underground aqueducts conduits cables mains apparatus transformer stations or other underground works under or erecting and maintaining standards on and overhead cables wires and apparatus over such lands or any of them or any part thereof (whether the surface of the lands be temporarily broken or not) and of laying such cables apparatus wires and works under over or across any part of any railway river or stream whereof the whole or any part is so described and of submerging such lands or any of them or of using the waters of any such river or stream and may give notice to treat in respect of such servitudes rights or privileges describing the nature thereof and the rights which the Company require for or incidental to the said purposes without being required or becoming liable to acquire any other property or interest in any such lands railway river or stream.

(2) For the purposes of this section the provisions of the Lands Clauses Acts with respect to lands or rent-charges or feu duties so far as the same are applicable in this behalf shall extend and shall apply to any such

servitude right or privilege as if the same were lands within the meaning of those Acts Provided that as regards any lands in respect of which the Company have acquired such servitude right or privilege 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 time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company. A.D. 1924.

45. The Company may subject to the provisions of this Act enter upon take and use the lands in the parishes of Lanark and Lesmahagow in the county of Lanark shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act and may on any of those lands or on any part or parts thereof erect maintain work and use a station or stations and works for generating electricity and for producing manufacturing and dealing with any product or thing arising or used in such generation with all necessary and convenient buildings turbines engines machinery works apparatus and conveniences and may generate produce manufacture use transmit and deal with such electricity products and things. Lands for generating stations.

46. The Company shall submit to the Electricity Commissioners plans of the generating stations by this Act authorised and shall comply with any regulations made by the Electricity Commissioners as to type of current to be generated at such stations and the frequency and pressure thereof. Submission to Electricity Commissioners of plans &c.

47. The Company may for the general purposes of their undertaking purchase and hold or take on lease (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and heritages not exceeding in the whole ten acres which the Company may from time to time require for the purpose of providing sites for manufacturing and other works and industries and for any of the purposes of this Act or of the undertaking but the Company shall not create or permit a nuisance on any such lands : Lands by agreement.

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Provided always that the Company shall not (save so far as they may be authorised so to do by competent authority) erect any station for generating electricity upon any lands acquired under this Act other than the lands referred to in the First Schedule to this Act.

Period for compulsory purchase of lands.

48. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

49. Subject to the provisions of this Act if the works authorised by this Act are not completed within three years from the passing of this Act or within such further period not exceeding two years as the Electricity Commissioners may allow then on the expiration of that period or such further period as the case may be the powers by this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of the said works and generating stations at any time and from time to time as occasion may require.

Power to take servitudes &c. by agreement.

50. 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 servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Company may dispose of lands not required.

51. Subject to the provisions with respect to the sale of superfluous lands in the Lands Clauses Consolidation (Scotland) Act 1845 contained the Company may feu and lease for such periods and for such consideration as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of the undertaking or

any interest therein or rights or other servitudes belonging thereto. A.D. 1924.

52. The Company shall not under the powers of this Act except by agreement enter upon take or use any lands of the London Midland and Scottish Railway Company. For protection of London Midland and Scottish Railway Company.

53.—(1) Notwithstanding anything in this Act contained or shown upon the deposited plans and sections the Company shall not enter upon take use or interfere with any lands or property of the Gourock Ropework Company Limited (in this section referred to as “the Gourock Company”). For protection of Gourock Ropework Company Limited.

(2) In the event of the Company using either during or after the construction of the works by this Act authorised for the haulage and carriage of plant machinery materials and things any road belonging to and maintainable by the Gourock Company the Company shall repay to the Gourock Company any expense reasonably incurred by the Gourock Company in making good any damage or injury which is caused to such road and to any water and other pipes sewers drains and other works and property of the Gourock Company laid in or under or erected on or carried over such road.

(3) If any difference shall arise between the Company and the Gourock Company under this section such difference shall be referred to and determined by an engineer (unless otherwise agreed) to be appointed by the sheriff of the county of Lanark.

54. The Company may at any time cause the water in any of the works by this Act authorised to be temporarily discharged into any available stream or water-course. In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power and the amount of compensation shall be settled in case of difference by arbitration. Temporary discharge of water into streams.

55. Subject to the provisions of this Act the Company may by means of the works by this Act authorised or some of them take appropriate raise the Power to take water.

A.D. 1924. — level of use and divert for the purposes of the undertaking the waters of the River Clyde :

Provided that all water so taken from the River Clyde by means of Work No. 2 by this Act authorised shall be returned unpolluted and in a continuous undiminished and uninterrupted flow to the River Clyde at some point not being below the lands first described in the First Schedule to this Act and all water so taken from the River Clyde by means of Work No. 4 by this Act authorised shall be returned unpolluted and in a continuous undiminished and uninterrupted flow to the River Clyde at some point not being below the lands secondly described in the said First Schedule.

Limitation of powers.

56. Subject to the provisions of this Act the Company may supply electricity to the Clyde Valley Electrical Power Company or to any other authorised distributor but nothing in this section shall be deemed to authorise the Company to break up any street or road.

Maximum prices.

57. Subject to the provisions of this Act the prices to be charged by the Company for electricity supplied by them shall not exceed those stated in that behalf in the Fourth Schedule to this Act.

The Company may charge for a supply of electricity to any authorised distributors supplied by them either by the actual amount of electricity so supplied or by the electrical quantity contained in the supply or by such other method as may be agreed upon between the Company and such distributors.

Relation between price and dividend.

58.—(1) Except as hereinafter provided the dividend payable by the Company on the capital of the Company in any year shall not exceed eight pounds in respect of every hundred pounds paid up of such capital and that rate of dividend is hereinafter referred to as “the standard rate of dividend.”

(2) If in any year the average price per unit obtained by the Company for electricity supplied by them is less than one penny per unit (hereinafter referred to as “the standard price”) the dividend which the Company is authorised to pay in that year may be increased in the ratio of one quarter per centum in respect of every one and a quarter per centum by which the average

price charged by the Company has been below the standard price. A.D. 1924.

(3) If in any year the average price per unit obtained by the Company for electricity supplied by them is more than the standard price the dividend which the Company is authorised to pay in that year shall be reduced below the standard rate of dividend in the ratio of one quarter per centum for every one and a quarter per centum by which the average price so obtained by the Company has been above the standard price.

(4) The Company may in addition to the dividends authorised under this Act make good any deficiency in any previous dividends which have fallen below the standard rate of dividend.

59.—(1) The Minister of Transport at any time after the expiration of a period of five years from the passing of this Act on the application of the Company or of any authorised distributor to whom electricity is supplied by the Company under this Act may revise the maximum prices contained in the Fourth Schedule to this Act and the relation between price and dividend as fixed by this Act and also the standard price as so fixed. Revision of prices.

(2) The Minister of Transport may if he thinks fit on the like application make a similar revision at the expiration of a period of five years from the date at which the last such revision has taken place.

(3) On any such revision the Minister of Transport may modify the provisions of this Act both as to price and the relations between price and dividend so far as may be necessary to carry out his decisions on the revision.

60. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend on the ordinary capital at the authorised rate the excess beyond the sum necessary for that purpose may from time to time to the extent of one per centum per annum upon the paid-up capital of the Company be invested in any securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest money and the dividends and interest arising from such securities shall also be invested in the same or the like securities. If profits exceed amount limited excess may be invested and form an insurance fund.

A.D. 1924.

in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet the cost of renewals of plant or any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of the sheriff of Lanarkshire due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen. Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend. Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Application of excess of profits over standard rate of dividend.

61. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient to pay the dividend at the authorised rate on the ordinary capital of the Company the excess or such portion of it as is not carried to the insurance fund shall be carried to the credit of the divisible profits of such undertaking for the next following year.

Power to create a reserve fund.

62. Where in any year the dividend of the Company on the ordinary capital of the Company shall exceed the standard rate by reason of the price charged by the Company for electricity in such year being below the standard price then out of the amount of the divisible profits of the Company applicable to the payment of such excess of dividend the Company may in such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in such securities as aforesaid and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in any year.

in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the dividend at the authorised rate on the ordinary capital of the Company and save as in this Act provided no sum shall in any year be carried by the Company to any reserve fund.

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63. The Company and any company or body to whom the Company are entitled to give a supply of electricity may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say):—

Agreements for supply of electricity.

- The supply by the Company to such company or body of electricity plant fittings or materials;
- The prices to be charged for and the terms and conditions of such supply;
- The execution or exercise by such company or body on behalf of the Company or by the Company on behalf of such company or body of any works or powers in reference to the supply or use of electricity.

64. The Company on the one hand and any Government department or local or road authority or conservators of or person interested in any river or stream or any of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down alteration maintenance repair and use of electric lines pipes works appliances and apparatus for the purposes of this Act in or along any street road or other place or any property repairable by or vested in such local or road authority or the bed banks and foreshore of any such river or stream :

Agreements with Government departments and others.

Provided that section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 (so far as it relates to the Postmaster-General) shall extend and apply to the construction and laying down under this section of any works in or along any street road place or property or on the bed banks and foreshore of any river or stream.

65. Nothing in this Act contained shall be deemed to prevent any undertakers authorised to supply water exercising any statutory powers vested in them for the abstraction of water from the watershed of the River

As to water undertakers.

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Clyde above Bonnington Falls or applying for powers to augment their water supplies or shall be deemed to prevent the Company from opposing any such application.

Inspectors.

66.—(1) The Minister of Transport on the application of any authorised undertakers or persons supplied with electricity by the Company under the powers of this Act may appoint and keep appointed one or more competent and impartial person or persons to be electrical inspectors under this Act and the Minister may prescribe the fees to be taken by any such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Minister.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of the main passing through their district or if necessary that portion of the main within their district and in case the Company fail to comply with the provisions of this subsection any such local authority may apply to the Minister of Transport to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

Provision
of fish
ladders.

67. Where under the powers of this Act any dam weir or other structure is so constructed in any river over which any district fishery board has jurisdiction at the passing of this Act as to obstruct the passage of fish the Company shall construct or provide all such ladders or other apparatus as the Fishery Board for Scotland may on the application of the Company or such district fishery board reasonably prescribe or approve for enabling fish to pass such dam weir or structure.

Cesser of
powers.

68. If within two years from the passing of this Act the Company have not in the opinion of the Electricity Commissioners substantially commenced their works for the purpose of carrying out their powers under this Act the Minister of Transport may order that the powers of the Company under this Act shall cease as to the whole or any part thereof and on any such order being made those powers shall cease accordingly.

Reference
to arbitra-
tion.

69. Where under this Act any question or dispute is to be referred to arbitration then unless other pro-

vision is made the reference shall be to an arbiter agreed on between the parties or failing agreement appointed by the Minister of Transport. The arbiter shall if any question of law arises in the course of an arbitration under this section have power at the request of either party to state a case for the opinion of the Court of Session and the said court shall determine such question. A.D. 1924.
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70. The heads of agreement set out in the Fifth Sixth and Seventh Schedules hereto are hereby confirmed and made binding on the parties thereto respectively and on the Company. Confirma-
tion of
agreements.

71. Notwithstanding anything in this Act or any Act or Acts incorporated therewith the Company may out of any money by this Act authorised to be raised pay and charge to capital account interest at such rate not exceeding five pounds per centum per annum as the directors may determine to any shareholder (which expression where used in this section includes stockholder) on the amount from time to time paid up on the shares or stock (all of which are in this section included in the expression "share" or the expression "shares") held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or for such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):— Payment of
interest out
of capital.

- (A) 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:
- (B) The aggregate amount to be so paid for interest shall not exceed one-fifth of the capital for the time being issued and paid up and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company may be exercised:
- (c) 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 inviting subscriptions for shares and in every certificate of shares which may be issued by or on behalf of the Company during

A.D. 1924.

any period during which such interest shall be paid:

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

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

Interest on
borrowed
money out
of capital.

72. The Company may charge to capital account the interest accruing during the period by this Act limited for the completion of the works by this Act authorised or such less period as the directors may determine on all or any moneys borrowed or moneys raised by the issue of debentures or debenture stock created and issued under the powers of this Act for the purpose of providing funds for the construction of the works by this Act authorised or other purposes to or on which capital may under the provisions of this Act be applied or expended.

Purchase of
part of
under-
taking.

73. Save so far as the Board of Trade (in this section referred to as "the Board") may on the application of the Company otherwise direct the following provisions shall apply and have effect (that is to say):—

- (1) The Board with the consent of the Treasury may at any time within six months after the thirty-first day of December one thousand nine hundred and ninety-eight or within six months after the expiration of any subsequent period of fifteen years by notice in writing require the Company to sell to the Board at the expiration of such period (not being less than one year nor more than three years from the date of the notice) as is mentioned in the notice so much of

the undertaking as is for the time being used by the Company in connection with the appropriation diversion and user of water for the production of motive power and the generation of electricity thereby (including lands wayleaves and other servitudes buildings machinery works and apparatus of the Company used in so producing motive power and generating electricity) and at the expiration of the period mentioned in the notice (hereinafter in this section referred to as "the date of purchase") the Company shall sell the same to the Board and the Board shall purchase the same at the price hereinafter mentioned :

(2) The price to be paid shall be—

(A) as respects so much of the part of the undertaking purchased as consists of civil engineering works and other property of a permanent character including land wayleaves and other servitudes dams water-courses and buildings an amount equal to the amount of the capital expended thereon at the date of purchase as shown by the audited accounts of the Company less an amount equal to—

(i) One and a half per centum on the amount of the capital expended as at the thirty-first day of December one thousand nine hundred and eighty-four for each year that has elapsed from the said thirty-first day of December to the date of purchase; and

(ii) One and a half per centum on the amount of any additional capital which may be expended after the said thirty-first day of December for each year that has elapsed from the date of the expenditure of such capital to the date of purchase;

(B) As respects so much of the part of the undertaking purchased as consists of other works including sluice-gates pipes turbines electric generators and other machinery and plant an amount equal to the amount of

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the capital expended thereon at the date of purchase as shown by such audited accounts as aforesaid less the value of any physical deterioration which may be shown to have occurred therein :

Provided that the price to be paid for any work or building shall in no case exceed the cost of the replacement thereof at the date of the notice to purchase and that the price to be paid under paragraph (A) of this subsection for any work or building shall not exceed the capital expended thereon as shown by such audited accounts as aforesaid less the value of any physical deterioration which may be shown to have occurred therein :

- (3) As from the date of purchase all rights powers and authorities exercisable by the Company in relation to the part of the undertaking purchased (including the power of taking water) and all liabilities or obligations to which the Company may be subject in relation to the taking of water the supply of water the control and maintenance of sluices ladders croys and other apparatus the payments for wayleaves or other servitudes and generally in relation to the part of the undertaking purchased (but not including any obligations in relation to the supply of electricity except for the purposes of subsection (4) of this section) shall be transferred to and vest in the Board and on the completion of the purchase the part of the undertaking purchased shall vest in His Majesty free from any debts or mortgages of the Company :
- (4) As from the date of purchase the Board shall if so required in writing by the Company not less than six months prior to the date of purchase supply to the Company for such period not exceeding seven years after the date of purchase as may be specified by the Company and at such price as is hereinafter mentioned such an amount of electricity as the Company may require not exceeding in any one year the highest amount actually supplied from the

generating station or stations of the Company purchased by the Board in any one of the five years immediately preceding the date of the said notice of purchase and also not exceeding at any time the amount which can be produced by the water available and the capacity of the plant installed at the said generating station or stations at the date of purchase and such supply shall be afforded at the said generating station or stations. A.D. 1924.

The price at which electricity shall be so supplied shall not exceed the cost reasonably incurred by the Board in complying with the requirements of the Company (including costs of generation repairs and maintenance interest charges and allowance for depreciation):

(5) If any question arises—

(A) as to the works or property to be included in the sale or the liabilities or obligations to be transferred to the Board thereon; or

(B) as to whether any property falls within the terms of paragraph (A) or the terms of paragraph (B) of subsection (2) of this section; or

(C) as to the price to be paid to the Company for the part of the undertaking purchased by the Board; or

(D) as to the amount of electricity to be supplied to the Company under subsection (4) of this section or as to the price of such supply

the question shall be determined by the arbitration of an arbiter appointed by the Lord President of the Court of Session.

(6) Nothing in this section shall affect the part of the undertaking not included in the purchase or any power right authority obligation or liability of the Company to supply electricity but no obligation of the Company under this Act to furnish a supply of electricity shall be enforceable against the Company after the date of purchase if and so far as the performance thereof is rendered impracticable in consequence of such purchase.

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Recovery of penalties &c.

74. Save as is otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

75. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any sheriff court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court according to the law of Scotland for the time being.

Costs of Act.

76. 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.

The SCHEDULES referred to in the foregoing Act. A.D. 1924.

FIRST SCHEDULE.

LANDS FOR GENERATING STATIONS.

First Lands in the parishes of Lanark and Lesmahagow in the county of Lanark situate on and adjacent to the River Clyde bounded on the eastern side by an imaginary straight line commencing at a point 505 yards measured in a south-easterly direction from the mill dam of the New Lanark Mills and 95 yards or thereabouts measured in a north-easterly direction from a point on the right bank of the said river 565 yards or thereabouts measured in a south-easterly and southerly direction along the said right bank from the said mill dam and extending thence in a southerly direction for 295 yards or thereabouts on the southern side by an imaginary straight line commencing at the point of termination of the said eastern boundary and extending thence in a westerly direction for a distance of 98 yards or thereabouts on the western side by an imaginary straight line commencing at the point of termination of the said southern boundary and extending thence in a northerly direction for a distance of 260 yards or thereabouts and on the northern side by an imaginary straight line commencing at the point of termination of the said western boundary and extending thence in an easterly direction for a distance of 132 yards or thereabouts to the point of commencement of the said eastern boundary.

Secondly Lands in the parishes of Lanark and Lesmahagow in the county of Lanark situate on and adjacent to the River Clyde bounded on the north-western side thereof by an imaginary straight line commencing at a point 162 yards or thereabouts measured in a north-easterly direction from the northernmost corner of the building known as Cairniepark and 195 yards or thereabouts measured in a north-westerly direction from the northernmost corner of the stone depôt situate 170 yards or thereabouts to the south-eastward of Cairniepark and extending thence in a north-easterly direction for a distance of 150 yards or thereabouts on the north-eastern side thereof by an imaginary straight line commencing at the point of termination of the said north-western boundary and extending thence in a south-easterly direction for a distance of 150 yards or thereabouts on the south-eastern side thereof by an imaginary straight line commencing at

[Ch. xciii.] *Lanarkshire Hydro- [14 & 15 GEO. 5.]
Electric Power Act, 1924.*

A.D. 1924. the point of termination of the said north-eastern boundary and extending thence in a south-westerly direction for a distance of 160 yards or thereabouts and on the south-western side thereof by an imaginary straight line commencing at the point of termination of the said south-eastern boundary and extending thence in a north-westerly direction for a distance of 170 yards or thereabouts to the point of commencement of the said north-western boundary.

SECOND SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY
MAY BE TAKEN COMPULSORILY.

Parish.	Nos. on Deposited Plans.
Lanark - - -	4 5 6 8 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 34 36 37 47 52 and 55.
Lesmahagow - -	1 2 4 5 8 10 11 12 and 14.

THIRD SCHEDULE.

DESCRIBING PROPERTIES IN RESPECT OF WHICH
SERVITUDES ONLY MAY BE TAKEN COMPULSORILY.

Parish.	Nos. on Deposited Plans.
Lanark - - -	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 19 29 30 31 36 43 45 46 47 48 49 50 51 52 53 54 55 and 56.
Lesmahagow - -	2 4 5 6 7 8 9 10 11 12 13 and 14.

FOURTH SCHEDULE.

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 1.

A.D. 1924.

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

- (a) For any quantity not exceeding the equivalent of four hundred hours of supply at the maximum power which has been demanded at the rate of one penny and one halfpenny per unit;
- (b) For any further quantity exceeding the equivalent of four hundred hours of supply at such maximum power at the rate of one penny per unit;

and such prices shall include the cost of transforming the energy (if so required by the authority supplied) to such pressure and in the case of a supply in bulk to a local authority to such description of current as such authority may reasonably require.

SECTION 2.

Where the Company charge for energy by the electrical quantity contained in the supply they shall be entitled to charge according to the rates set forth in section 1 of this Schedule the amount of energy supplied being taken to be the product of such 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 any regulations made under this Act.

FIFTH SCHEDULE.

Stamp

Sixpence

HEADS OF AGREEMENT between DAME HILDA MAUD MACDONALD MORETON LOCKHART DE ROBECK widow of the late Sir Simon Macdonald Lockhart Baronet of Lee and Carnwath in the county of Lanark now wife of Sir John Michael de Robeck Baronet G.C.M.G. G.C.B. Admiral in the Royal Navy ALLAN THOMAS LOCKHART MACLEAN Esquire of Duart Lodge 73 Colinton Road Edinburgh CHARLES JOSEPH EDMONDS-TOUNE CRANSTOUN Esquire of Corehouse in the county of Lanark and the said Sir JOHN MICHAEL DE ROBECK the surviving and assumed Trustees acting under the trust disposition and settlement of the said Sir Simon Macdonald Lockhart dated

[Ch. xciii.] *Lanarkshire Hydro-* [14 & 15 GEO. 5.]
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A.D. 1924.

2nd March 1916 and along with two codicils relative thereto both dated 20th March 1919 registered in the Books of Council and Session 29th October 1919 and as such Trustees heritable proprietors of the estate of Lee in the county of Lanark (hereinafter called "the first parties") of the first part and the POWER AND TRACTION FINANCE COMPANY LIMITED as representing the promoters of the Lanarkshire Hydro-Electric Power Bill as representing and taking burden on them for the Lanarkshire Hydro-Electric Power Company proposed to be incorporated under the said Bill (hereinafter called "the second parties") of the second part.

WHEREAS application was made to the Secretary for Scotland under and in pursuance of the Private Legislation Procedure (Scotland) Act 1899 by the second parties for a Provisional Order under the name or short title of the "Lanarkshire Hydro-Electric Power Order 1923" for incorporating and conferring powers upon the said Lanarkshire Hydro-Electric Power Company (hereinafter referred to as "the Company") and for other purposes :

And whereas printed copies of the draft of the said Provisional Order (hereinafter termed "the Order") were deposited in accordance with the General Orders under the said Act of 1899 and a printed copy thereof was delivered to the first parties or their agents :

And whereas it has been decided that the procedure in the said application shall be by way of private Bill instead of Provisional Order and a printed copy of the Bill (hereinafter called "the Bill") which is accordingly being promoted by the second parties has been delivered to the first parties or their agents :

And whereas by the Bill it is sought to confer upon the Company statutory powers for the construction and working of electricity generating stations in the parishes of Lanark and Lesmahagow in the county of Lanark for the supply of electricity by means of water power derived from the River Clyde and for the acquisition of lands and others and appropriating using and diverting for the purposes of the undertaking the waters of the River Clyde all as set forth in the Bill and in the deposited plans :

And whereas the powers sought to be conferred by the Bill will affect materially the property and interests of the first parties and the first parties duly presented a petition against the preamble of the Order which petition is being maintained against the Bill :

And whereas it has been agreed between the parties, that the first parties shall withdraw their opposition to the Bill in respect

of the arrangements and consideration agreed upon and hereinafter contained and that the provisions after specified should be made for the protection of the first parties and their successors in the estate of Lee in the event of the Bill being passed into an Act of Parliament (hereinafter called "the Act"):

A.D. 1924.

Therefore notwithstanding anything to the contrary contained in the Bill or in the Act or any Act incorporated therewith the parties have agreed and do hereby agree and bind and oblige themselves as following videlicet:—

1. The Company shall not enter upon take use or acquire otherwise than by agreement any land or any servitude right or privilege of using any land of the first parties but the first parties agree to sell and convey by way of feu to the second parties or the Company their successors and assignees (all hereinafter referred to as "the undertakers") a strip of land not exceeding four yards in depth along the north bank of the River Clyde lying between a point 300 yards or thereabouts up the river from the work (Work No. 3) and the termination of the work (Work No. 4) and the tail race of the generating station to be erected at or about that point together with the solum of the bed of the said River Clyde and the water rights in the said river ex adverso of the said strip of land all in so far as belonging to the first parties. In consideration of the said subjects the undertakers shall pay to the first parties or their successors a cash payment or grassum of 7,000*l.* within three months after Royal Assent to the Act has been obtained with interest at 5 per cent. per annum after the expiry of the said period of three months in the event of the non-payment thereof together with a feu duty of 1*d.* Scots per annum commencing the first payment thereof at the first term of Whitsunday following the date of the said cash payment and yearly thereafter. Entry shall be given as at the date of the said cash payment. On payment of the price the first parties shall deliver to the undertakers a valid feu conveyance with all usual and necessary clauses including a clause of warrandice from fact and deed by the Trustees and absolute warrandice against the Trust Estate but there shall be excepted therefrom existing rights of servitude if any over the subjects to be conveyed or feued subject always to the right of the undertakers or their successors to quarrel or impugn the same upon any ground in law not inferring warrandice against the first parties or their foresaids.

2. If and when required by the first parties the undertakers shall erect along the boundary of the said strip of land with the remainder of the said estate of Lee a substantial barrier to prevent trespass of a type and construction to be mutually agreed upon between the parties or failing agreement as shall be fixed by arbitration.

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3. The first parties shall sell to the undertakers at such prices as failing agreement shall be fixed by arbitration such land or servitude rights over land so far as belonging to the first parties as may within the limits shown on the deposited plans be reasonably required by the undertakers for the purpose of constructing the works specified in the Bill or of accesses thereto. In adjusting the price to be paid due regard shall be had to any interference with or disturbance to the adjoining portions of the Lee Estate.

4. If and when required by the first parties but not otherwise the undertakers shall be bound to fence off to the reasonable satisfaction of the first parties their foresaids such land as may be sold to them or over which they may have acquired rights in terms of the immediately preceding paragraph and that whether during the construction of the said works or afterwards and they shall be bound to maintain said fencing so long as the first parties or their foresaids may require.

5. The undertakers shall keep the first parties and their foresaids free of all questions or claims of damage or compensation which may be raised by the other riparian proprietors in the River Clyde whether upper or lower or ex adverso or by agricultural or other tenants in consequence of the acquisition or utilisation of said water rights land or rights over land by the undertakers and the undertakers shall relieve the first parties and their foresaids of all such questions and claims and of all liability in connection therewith.

6. The land and water rights to be conveyed and feued before referred to are so conveyed and feued for hydro-electric purposes only and shall be used for no other purpose.

7. In the event of the undertakers in any way interfering with the existing sewage or drainage system of any dwellings steadings or any other subjects on the Lee Estate or ex adverso thereof or affecting the said system in any way prejudicially or necessitating any alterations being made thereon they shall be bound (at their own sole expense) to remedy any defect so occasioned or to make any alterations required to the satisfaction of the first parties and the sanitary authorities.

8. Before entering upon or proceeding with any operations on the said subjects to be feued or sold as aforesaid the undertakers shall give one month's previous notice in writing to the first parties or their foresaids and any such operations shall be carried through and completed with all reasonable expedition and in such a manner as to cause as little injury as possible to the first parties' estate and as little disturbance and injury as possible to any sporting rights thereon. Neither the undertakers nor any contractor employed by them or other person on their behalf shall be entitled to enter upon the said estate of Lee other

than the said subjects to be feued or sold or over which servitude rights may be given without the permission of the first parties or their foresaids and the undertakers shall be bound at all times to use every reasonable precaution and means in their power to prevent trespass poaching and all disturbance or injury (other than disturbance or injury caused by the reasonable exercise of the powers of the Act) to the first parties' estate or to their tenants or to the sporting rights on the said estate by any person in their employment or under their control and shall take all precautions in their power to preserve the privacy and amenity of the Lee Estate and the undertakers shall be liable for any disturbance or injury (other than as aforesaid) so caused.

A.D. 1924.

9. The second parties and the undertakers and their foresaids shall be liable to make good or pay compensation for all damage or loss by flooding or otherwise caused to the said estate or to any of the buildings or other erections thereon or to roads fences dykes gates trees crops or stock thereon in consequence of the raising of or otherwise interfering with the level of the water in the said River Clyde at any time owing to the operations of the undertakers and they will be bound to relieve the first parties and their foresaids of all claims made by their tenants or others in respect of damage or disturbance due to any of their operations or works.

10. If and when required the first parties or their foresaids shall be entitled to a supply of electricity from the undertakers free of charge for the reasonable requirements for lighting the Lee Mansion House and offices and an additional supply free of charge for power purposes therein such additional supply not exceeding 500 units per quarter Any supply for power purposes over and above the said quantity shall be paid for at bulk rates as after mentioned The transmission lines and transformers for such supply shall be erected by the undertakers at actual cost and such cost shall be borne equally by the first parties or their successors and the undertakers In addition the first parties and their foresaids shall have the right of purchasing if desired from the undertakers any current which may be required for any buildings or other subjects in the occupation of the first parties or their foresaids for estate purposes and that at the same rates as the general electricity supply in bulk is being sold at the time by the Clyde Valley Electrical Power Company and the present tenants of the first parties' estate of Lee and their successors in the tenancies shall also be entitled to purchase electric current at similar bulk rates provided that they bear the expense of erecting or laying the transmission lines necessary therefor and also the transformers (if any) required Reasonable wayleaves shall be given free for the undertakers' lines and cables across the first parties' lands so far as necessary for the supplies of electricity before specified in this clause.

A.D. 1924.

11. In the event of the first parties claiming that the undertakers are liable to pay to the first parties or their foresaids compensation for damage or disturbance or otherwise under this agreement or arising in any way out of their operations in the carrying out and conduct of the works proposed under the Bill the claims therefor shall failing agreement between the parties be referred to such arbiter as may be agreed upon between the parties or failing agreement to such arbiter as shall be named by the sheriff of the county of Lanark on the application of either of the parties as sole arbiter whose decision shall be final.

12. All questions that may arise between the parties as to the interpretation or construction of this agreement are (except as otherwise herein provided for) hereby referred to the amicable decision of the Dean of Faculty of Advocates whose decision shall be final.

13. The undertakers shall pay to the first parties the whole expense of the necessary conveyance or other deeds to be granted under the provisions of this agreement and of the restriction of any heritable securities affecting the estate of Lee which may be necessary in consequence of the feu or conveyance herein provided for.

14. The second parties undertake that this agreement shall be scheduled to the Bill and they further undertake that upon the passing of the Act the Company shall immediately ratify and confirm the same.

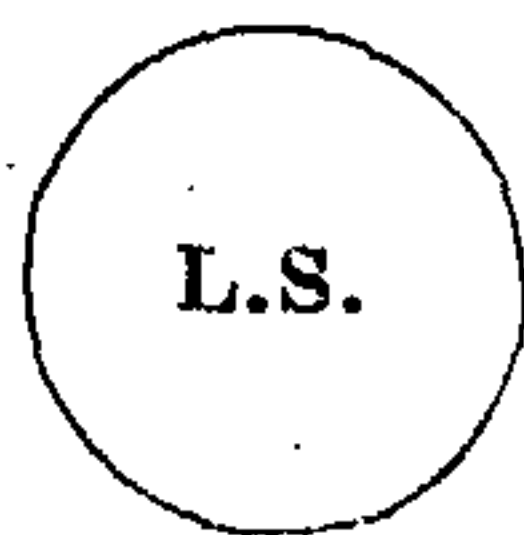
15. This agreement is subject to such alterations as Parliament may think fit to make therein but if any alteration is made therein which in the opinion of the Dean of Faculty of Advocates is material either party may withdraw from the same.

16. The first parties in respect of the whole provisions of this agreement and of the undertakings contained in clause 14 hereof agree not to oppose the Bill or the preamble thereof but shall be entitled to appear to object to any alteration being made on the Bill inconsistent with the provisions of this agreement.

In witness whereof these presents printed on this and the four preceding pages are executed in duplicate by the parties hereto as follows videlicet They are subscribed by the said Dame Hilda Maud Macdonald Moreton Lockhart de Robeck (subscribing "H. M. M. Lockhart de Robeck") Allan Thomas Lockhart Maclean Charles Joseph Edmondstone Cranstoun and Sir John Michael de Robeck as Trustees foresaid all at Edinburgh on the twenty-first day of May nineteen hundred and twenty-four before these witnesses James Little Mounsey Writer to the Signet Edinburgh and Ann Frances Jane Burn typist Five Thistle Street Edinburgh and they are sealed with the common seal of the said The Power and Traction Finance Company Limited and subscribed on their behalf by the Right Honourable

Lord Meston and John Sampson two of their directors and by Percy Horsfall their secretary all at London on the twenty-eighth day of the month and in the year both last mentioned before these witnesses James Ewart Taggart electrical engineer and Martha Walker secretary both at Queen's House Kingsway London. A.D. 1924.

(Sgd.) MESTON.	(Sgd.) M. WALKER Witness
(Sgd.) JOHN SAMPSON.	(Sgd.) J. E. TAGGART Witness.
(Sgd.) P. HORSFALL.	(Sgd.) JAMES L. MOUNSEY Witness.
(Sgd.) H. M. M. LOCKHART DE ROBECK.	(Sgd.) ANN F. J. BURN Witness.
(Sgd.) ALLAN T. L. MACLEAN.	
(Sgd.) C. J. EDMONDSTOUNE CRANSTOUN.	
(Sgd.) J. M. DE ROBECK.	



SIXTH SCHEDULE.

HEADS OF AGREEMENT between CHARLES JOSEPH EDMONDSTOUNE CRANSTOUN Esquire of Corehouse in the county of Lanark (hereinafter called "the first party") of the first part and THE POWER AND TRACTION FINANCE COMPANY LIMITED as representing the promoters of the Lanarkshire Hydro-Electric Power Bill and as representing and taking burden on them for the Lanarkshire Hydro-Electric Power Company proposed to be incorporated thereby (hereinafter called "the second parties") of the second part.

WHEREAS application was made to the Secretary for Scotland under and in pursuance of the Private Legislation Procedure (Scotland) Act 1899 by the second parties for a Provisional Order under the name or short title of the "Lanarkshire Hydro-Electric Power Order 1923" for incorporating and conferring powers upon the said Lanarkshire Hydro-Electric Power Company (hereinafter referred to as "the Company") and for other purposes :

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—

And whereas printed copies of the draft of the said Provisional Order (hereinafter termed "the Order") were deposited in accordance with the General Orders under the said Act of 1899 and a printed copy thereof was delivered to the first party or his agents :

And whereas it has been decided that the procedure in the said application shall be by way of private Bill instead of Provisional Order and a printed copy of the Bill (hereinafter called "the Bill") which is accordingly being promoted by the second parties has been delivered to the first party or his agents :

And whereas by the Bill it is sought to confer upon the Company statutory powers for the construction and working of electricity generating stations in the parishes of Lanark and Lesmahagow in the county of Lanark for the supply of electricity by means of water power derived from the River Clyde and for the acquisition of lands and others and appropriating using and diverting for the purposes of the undertaking the waters of the River Clyde all as set forth in the Bill and in the deposited plans :

And whereas the powers sought to be conferred by the Bill will affect materially the property and interests of the first party and the first party duly presented a petition against the preamble of the Order which petition is being maintained against the Bill :

And whereas it has been agreed between the parties that the first party shall withdraw his opposition to the Bill in respect of the arrangements and consideration agreed upon and hereinafter contained and that the provisions after specified should be made for the protection of the first party and his successors in the estate of Corehouse in the event of the Bill being passed into an Act of Parliament (hereinafter called "the Act").

Therefore notwithstanding anything to the contrary contained in the Bill or in the Act or any Act incorporated therewith the parties have agreed and do hereby agree and bind and oblige themselves as follows videlicet :—

1. The Company shall not enter upon take use or acquire otherwise than by agreement any land or any servitude right or privilege of using any land of the first party but the first party agrees to sell and convey by way of feu to the second parties or to the Company and their assignees and successors the water rights belonging to him in the River Clyde ex adverso of his estate of Corehouse between Tulliford Lodge and the termination of the aqueduct (Work No. 2) and the tail race of the generating station to be erected at or about that point and that at the price of 13,500*l.* sterling payable as aftermentioned and the feu duty aftermentioned and for the purpose of vesting the said water rights in the second parties or the Company and their foresaids the first party agrees to feu the solum of the River Clyde and so

much of the bank of the River Clyde between the said points as may be legally necessary for the purpose and as may be ascertained and agreed to between the parties hereto and failing agreement as may be fixed by the Dean of the Faculty of Advocates and that for a feu duty of one penny Scots per annum payable at the term of Whitsunday in each year commencing the first payment at the first term of Whitsunday occurring after the delivery of the feu contract or feu charter It is understood and agreed that so far as there may be situated within the limits of the land so to be feued the castle known as Corra Castle or any portion thereof and any ornamental walks or amenity features the same shall without prejudice in any way to the conveyance of the water rights be reserved to the first party with full right of control and maintenance as if he were proprietor of the site and under an obligation on the second parties and the Company and their foresaids to do nothing prejudicial to the support of the surface so far as the said castle and others are situated thereupon.

A.D. 1924.

2. The second parties or the Company shall be bound to take delivery of the said feu contract or feu charter and to make payment of the foresaid sum of 13,500*l.* within three months after the Royal Assent to the Act has been obtained with interest thereon at five per centum per annum while in arrear.

3. The said land shall be feued by the first party to the second parties or the Company and their foresaids subject to the following conditions videlicet—

(1) No permanent buildings works or other erections than the weir (Work No. 1) and subsidiary works shall be placed thereon by the second parties the Company or their foresaids In the event however of the second parties or the Company or their foresaids finding it necessary in the course of construction maintenance and renewal of the works proposed under the Bill to erect temporary buildings or other erections thereon in connection with the said works they shall be entitled to do so but only on condition that the ground of the said land shall be restored by them and their foresaids to the reasonable satisfaction of the first party and thereafter maintained in a reasonable condition :

(2) The second parties or the Company and their foresaids shall be bound immediately on completion of the said proposed works to make provision to the reasonable satisfaction of the first party or his foresaids effectively to prevent access being got to the estate of Corehouse by means of the weir (Work No. 1) and further if and when required by the first party they shall be bound to erect and thereafter maintain an unclimbable fence of a type to be approved of by the first party or his foresaids

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along such part of the said land between the said weir and the tail race at the generating station to be erected on the opposite bank of the river as shall be reasonably necessary to prevent any additional liability to trespass on to the remainder of the said estate of Corehouse from the said opposite bank of the river ;

and subject to all usual and necessary clauses and conditions.

4. The Company and their foresaids shall be entitled to permanent right of access by the road leading from Tulliford Lodge along the bank of the River Clyde up to the line of the intended weir (Work No. 1) but shall be under obligation to make good or pay for the making good of any damage done by them thereto all to the reasonable satisfaction of the first party and his foresaids.

5. In the event of the operations of the second parties or the Company or their foresaids in any way interfering with the outfall or outfalls or pipes of the existing sewage or drainage system of Corehouse Mansion House or any other subjects on the estate which will affect the said system in any way prejudicially or necessitate any alterations being made thereon and particularly if by reason of such operations the sewers and drains as at present laid no longer discharge into the full flow of the River Clyde they shall be bound at their own expense to remedy any defect so occasioned or to make such alterations including extending the outfalls of the sewers or drains to a point or points where a discharge may be effected into the full flow of the river.

6. Before proceeding with any operations on the said land to be feued as aforesaid the second parties or the Company or their foresaids shall give previous notice in writing to the first party or his foresaids and any such operations shall be carried through and completed with all reasonable expedition and in such a manner as to cause as little injury as possible to the first party's estate and as little disturbance and injury as possible to any sporting rights thereon. Neither the second parties nor the Company nor their foresaids nor any contractor employed by them or other person on their behalf shall be entitled to enter upon the estate of Corehouse other than the said land to be feued and access road without the permission of the first party or his foresaids and the second parties and the Company and their foresaids shall be bound at all times to use every reasonable precaution and means in their power to prevent trespass poaching and all disturbance or injury (other than disturbance or injury caused by the reasonable exercise of the powers of the Act) to the first party's estate or to the first party's tenants or to the sporting rights on the said estate by any person in their employment or under their control and shall take all precautions in their power

to preserve the privacy and amenity of Corehouse Estate and the second parties and the Company or their foresaids shall be liable for any disturbance or injury (other than as aforesaid) so caused. A.D. 1924.

7. The second parties and the Company and their foresaids shall be liable to make good or pay compensation for all damage or loss by flooding caused to the said estate or to any of the buildings or other erections thereon or to roads fences dykes gates trees crops or stock thereon in consequence of the raising of or otherwise interfering with the level of the water in the said River Clyde at any time owing to the operations of the second parties and the Company and their foresaids and they and their foresaids will be bound to relieve the first party and his foresaids of all claims made by his or their tenants or others in respect of damage or disturbance due to any of the operations or works of the second parties or their foresaids.

8. If and when required the first party or his foresaids shall be entitled to a supply of electricity from the Company or their successors free of charge for the reasonable requirements for lighting of the Mansion House and offices and an additional supply free of charge for power purposes such additional supply not exceeding 500 units per quarter Any supply for power purposes over and above the said quantity shall be paid for at bulk rates as aftermentioned The transmission lines and transformers for such supply shall be erected by the Company at actual cost and such cost shall be borne equally by the first party and his successors and the Company or its foresaids In addition the first party and his foresaids shall have the right of purchasing if desired from the Company or their foresaids any current which may be required for the estate sawmill farm and workshop and for estate purposes of a like nature and that at the same rates as the general electricity supply in bulk is being sold at the time by the Clyde Valley Electrical Power Company and the present tenants of the first party's estate of Corehouse and their successors in the tenancies shall also be entitled to purchase electric current at similar bulk rates provided that they bear the expenses of erecting or laying the transmission lines necessary therefor and also the transformers (if any) required Reasonable wayleaves shall be given free for the Company's lines and cables across the first party's lands so far as necessary for the supplies of electricity specified in this clause.

9. The water rights and land before referred to are feued for hydro-electric purposes only and shall be used for no other purpose.

10. The Company and their foresaids shall keep the first party and his foresaids free of all questions and claims which may be raised by the other riparian proprietors on the River Clyde whether upper or lower or ex adverso or by his agricultural or

A.D. 1924. other tenants in consequence of the utilisation of said land and water rights by the second parties or their foresaids and the second parties and the Company and their foresaids shall relieve the first party and his foresaids of all such questions and of all liability in connection therewith.

11. In the event of the second parties or the Company or their foresaids acquiring by agreement any additional land from the first party or his foresaids for the purpose of the undertaking or for access thereto they shall obtain such land by way of feu with a capital payment at the rate of 200*l.* per acre and a nominal feu duty of one penny Scots per annum and subject to such conditions as may be agreed upon.

12. The second parties and the Company undertake that the works contemplated under the Bill will not interfere with or interrupt the supply of water enjoyed at present by the proprietors of the New Lanark Mills (now the Gourock Rope Work Company) and that the whole water abstracted from the River Clyde at the point of intake will be returned to the said river at a point above the said New Lanark Mills undiminished in quantity and unaffected in quality And in the event of the Company's operations at any time interrupting or diminishing the flow of water enjoyed by the said New Lanark Mills the second parties and the Company and their foresaids shall be bound to make good any loss to the first party or his foresaids resulting therefrom.

13. In the event of the first party or his foresaids claiming that the second parties and the Company or their foresaids are liable to pay to the first party or his foresaids compensation for damage or disturbance or otherwise under this agreement or arising in any way out of their operations in the carrying out and conduct of the works proposed under the Bill the claim therefor shall failing agreement between the parties be referred to such arbiter as may be agreed upon between the parties or failing agreement to such arbiter as shall be named by the sheriff of the county of Lanark on the application of either of the parties as sole arbiter whose decision shall be final.

14. All questions that may arise between the parties as to the interpretation or construction of this agreement are (except as otherwise herein provided for) hereby referred to the amicable decision of the Dean of the Faculty of Advocates whose decision shall be final.

15. The second parties and the Company shall pay to the first party the whole expense of the feu right or other deeds to be granted under the provisions of this agreement and also of the restriction of any heritable securities affecting the estate of

Corehouse which may be necessary in consequence of the feu A.D. 1924.
herein provided for.

16. The second parties undertake that this agreement will be scheduled to the Bill and they further undertake that upon the passing of the Act the Company shall immediately ratify and confirm the same.

17. This agreement is subject to such alterations as Parliament may think fit to make thereon but if any alteration is made therein which in the opinion of the Dean of the Faculty of Advocates is material either party may withdraw from the same.

18. The first party in respect of the whole provisions of this agreement and of the undertakings contained in clause 16 hereof agrees not to oppose the Bill or the preamble thereof but shall be entitled to appear to object to any alterations being made on the Bill inconsistent with the provisions of this agreement.

In witness whereof these presents printed on this and the four preceding pages are executed in duplicate by the parties hereto as follows videlicet: They are subscribed by the said Charles Joseph Edmondstone Cranstoun at Corehouse Lanark on the eighteenth day of May nineteen hundred and twenty-four before these witnesses George Hubert Hugh Edmondstone Cranstoun (subscribing "G. E. Cranstoun") Esquire residing at Corehouse aforesaid and John Cargill McLean butler residing at the stables Corehouse aforesaid and they are sealed with the common seal of the said The Power and Traction Finance Company Limited and subscribed on their behalf by the Right Honourable Lord Meston and John Sampson two of their directors and by Percy Horsfall their secretary all at London on the twenty-eighth day of the month and in the year both last mentioned before these witnesses James Ewart Taggart electrical engineer and Martha Walker secretary both at Queen's House Kingsway London.

(Sgd.) G. E. CRANSTOUN Witness. (Sgd.) C. J. EDMONDSTONE
CRANSTOUN.
(Sgd.) J. C. McLEAN Witness. (Sgd.) MESTON.
(Sgd.) M. WALKER Witness. (Sgd.) JOHN SAMPSON.
(Sgd.) J. E. TAGGART Witness. (Sgd.) P. HORSEFALL.

L.S.

A.D. 1924.

SEVENTH SCHEDULE.

Stamp.

Sixpence.

HEADS OF AGREEMENT between THE POWER AND TRACTION FINANCE COMPANY LIMITED (hereinafter referred to as "the Promoters") as representing the Promoters of the Lanarkshire Hydro-Electric Power Bill of the one part and THE CLYDE VALLEY ELECTRICAL POWER COMPANY (hereinafter referred to as "the Clyde Valley Company") of the other part.

1. The Clyde Valley Company will withdraw their opposition to the Lanarkshire Hydro-Electric Power Bill now before Parliament subject to the usual undertaking to insert amendments as adjusted and will give to the Promoters such assistance other than financial assistance as is in their power and will if requested to do so appear as supporters of the Bill.

2. On the enactment of the Bill the Clyde Valley Company will enter into an agreement with the Company referred to in clause 6 (Company incorporated) of the Bill (hereinafter called "the Lanarkshire Company") and the Promoters undertake that the Lanarkshire Company shall enter into an agreement with the Clyde Valley Company for the purpose of giving effect to the following provisions of these presents :—

(a) The Lanarkshire Company shall without delay place contracts for the carrying out of the necessary civil engineering work and building of two hydro-electric stations specified in the Bill and the installation of plant therein with a view to providing an aggregate generating capacity of not less than 13,000 kw. for the Falls of Clyde known as Corra Linn Bonnington and Stonebyres :

b) The general layout and design of the said works and of the plant to be installed shall be subject to the reasonable approval of the Clyde Valley Company and all contracts placed by the Lanarkshire Company for the said works and plant with the English Electric Company Limited and Sir William Arrol and Company Limited shall be placed at prices fixed on a fair competitive basis and shall contain the necessary provisions to meet all reasonable requirements of the Clyde Valley Company as to the period of completion of the said works and installation and as to guarantees on and maintenance of plant and generally to ensure that in design materials and workmanship the installation as a whole shall conform to the best standards of modern hydro-electric engineering practice :

A.D. 1924.

- (c) The Lanarkshire Company shall sell and supply to the Clyde Valley Company from the date on which the said works are ready to be put into commercial operation and the Clyde Valley Company shall purchase and take the whole electricity generated at the said works :
- (d) The Clyde Valley Company shall until it is otherwise arranged pay to the Lanarkshire Company such price for electricity supplied to them as aforesaid as shall be mutually agreed between the Clyde Valley Company and the Lanarkshire Company or as failing agreement shall be determined by arbitration as provided in clause 3.

3. If any difference shall arise between the parties on any matters arising out of this agreement the same shall be referred to arbitration on the application of either party to an arbiter to be mutually agreed which failing then to an arbiter to be appointed by the court in terms of the Arbitration (Scotland) Act 1907.

4. This agreement is subject to such alterations as Parliament may think fit to make therein but in the event of any alteration being made in the Bill by Parliament which in the opinion of Sir Lynden Macassey K.C. whom failing Hugh P. Macmillan K.C. is a material alteration of the terms thereof it shall be in the power of either party to withdraw from this agreement.

In witness whereof these presents are executed by and on behalf of the parties thereto on the sixth day of May one thousand nine hundred and twenty-four as follows :—

For and on behalf of THE POWER AND TRACTION FINANCE COMPANY LIMITED—

P. J. PYBUS Chairman.
P. HORSFALL Secretary.

For and on behalf of THE CLYDE VALLEY ELECTRICAL POWER COMPANY—

ROBERT ROBERTSON Director.
E. T. GOSLIN General Manager.

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

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