



## CHAPTER lxxxix.

An Act to constitute and incorporate a Joint Board consisting of representatives of the urban district councils of Stretford and Urmston and the rural district council of Barton-upon-Irwell and to vest in such Board the electricity undertaking of the Stretford Urban District Council and the undertaking of the Barton and Urmston Electricity Board and for other purposes.

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[3rd August 1928.]

**W**HEREAS the urban districts of Stretford and Urmston in the county palatine of Lancaster are urban sanitary districts within the meaning of the Public Health Act 1875 and urban districts within the meaning of the Local Government Act 1894 and are respectively under the management and control of the urban district council of Stretford (in this Act called "the Stretford Council") and the urban district council of Urmston (in this Act called "the Urmston Council"):

And whereas the rural district of Barton-upon-Irwell in the county palatine of Lancaster is a rural sanitary district within the meaning of the Public Health Act 1875 and a rural district within the meaning of the Local Government Act 1894 and is under the management and control of the rural district council of Barton-upon-Irwell (in this Act called "the Barton Council"):

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— And whereas by the Stretford Electric Lighting Order 1897 (confirmed by the Electric Lighting Orders Confirmation (No. 7) Act 1897) and the Stretford Urban District Council Acts 1904 and 1919 the Stretford Council are empowered to supply and are supplying electrical energy for public and private purposes throughout the urban district of Stretford and the portion of the township of Davyhulme in the rural district of Barton-upon-Irwell which lies to the north-east of the Bridgewater Canal :

And whereas by the Barton and Urmston Electricity Special Order 1926 (in this Act called " the Barton Order ") the Barton and Urmston Electricity Board (in this Act called " the Barton Board ") were incorporated consisting of representatives of the Barton Council and the Urmston Council and were authorised to supply electricity throughout the urban district of Urmston and the parishes of Barton Moss and Flixton in the rural district of Barton-upon-Irwell and the portion of the said parish of Davyhulme not within the limits of supply of the Stretford Council :

And whereas on the fourth day of July one thousand nine hundred and twenty-seven the Stretford Council and the Barton Board with the approval of the Electricity Commissioners entered into an agreement for mutual assistance and for the supply of electricity by the Stretford Council in the area of supply of the Barton Board and it was a term of such agreement that steps should be taken by the Stretford Council and the Barton Board to bring about the amalgamation of the two areas of supply :

And whereas it is expedient that an electricity board (in this Act referred to as " the Board ") consisting of representatives of the Stretford Council the Barton Council and the Urmston Council should be constituted as in this Act provided and that the electricity undertaking of the Stretford Council and the undertaking of the Barton Board should be transferred to and vested in the Board and that the Barton Board should be dissolved :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts

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1872 and 1903 have been observed by the Stretford Council and the provisions of section 63 (Power to apply for further powers &c.) of the Barton Order have been observed by the Barton Board:

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Stretford and District Electricity Board Act 1928. Short title.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Transfer of electricity undertaking of Stretford Council and of undertaking of Barton Board.

Part IV.—Supply of electricity.

Part V.—Financial and miscellaneous provisions.

3. This Act shall be deemed to be a special Act within the meaning of the Electricity (Supply) Acts 1882 to 1926 but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the undertaking authorised by this Act or to the Board in respect thereof.

Application of Electricity (Supply) Acts.

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

Incorporation of Acts.

The provisions of the Commissioners Clauses Act 1847 with respect to the following matters (namely):—

The contracts to be entered into and the deeds to be executed by the Commissioners (except section 57);

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The liabilities of the Commissioners and legal proceedings by or against the Commissioners;

Access to the special Act.

Interpretation.

5. The several words and expressions to which meanings are assigned by the Act partially incorporated herewith shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that for the purposes of this Act—

In the provisions of the Commissioners Clauses Act 1847 incorporated with this Act “the Commissioners” means the Board.

And in this Act unless the subject or context otherwise requires—

“The Board” means the Stretford and District Electricity Board incorporated by this Act;

“The clerk” means the clerk to the Board;

“The Stretford Council” means the Stretford Urban District Council;

“The Urmston Council” means the Urmston Urban District Council;

“The Barton Council” means the Barton-upon-Irwell Rural District Council;

“The councils” and “the constituent authorities” mean the Stretford Urmston and Barton-upon-Irwell Councils and “constituent authority” means one of those councils;

“The district funds” and “the general district rates” respectively mean the district funds and the general district rates of the Stretford and Urmston Urban Districts;

“The Barton Board” means the Barton and Urmston Electricity Board;

“The Barton Order” means the Barton and Urmston Electricity Special Order 1926;

“The electricity undertaking of the Stretford Council” includes all lands buildings works materials and plant of the Stretford Council suitable to and used by them for the purposes of their electricity undertaking and all the rights powers and

privileges vested in or belonging to or had and enjoyed by the Stretford Council in relation to the supply of electricity including all reserve funds and any working balance formed in connection with the undertaking; A.D. 1928.

“The Stretford Acts and Order” means the Stretford Electric Lighting Order 1897 (except sections 25 52 53 59 and the Fourth Schedule) sections 120 to 123 (inclusive) (except subsection (2) of section 122) of the Stretford Urban District Council Act 1904 and so much of section 5 as is not repealed by this Act and sections 7 to 24 (inclusive) and the First Schedule to the Stretford Urban District Council Act 1919;

“The undertaking” means the undertaking for the time being of the Board;

“The date of transfer” means the thirty-first day of March one thousand nine hundred and twenty-nine;

“The area of supply” means the area for the supply of electricity which area is set forth in the section of this Act of which the marginal note is “Area of supply”;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity

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rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“The revenues of the Board” includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act.

## PART II.

### ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

Incorporation of Board.

6. For the purposes of carrying this Act into execution there shall be a Board of fifteen members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of “the Stretford and District Electricity Board” with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands (without any licence in mortmain) and other property for the purposes of this Act and with all other powers and privileges of a body corporate.

Constitution of Board.

7.—(1) The constitution of the Board shall be as follows:—

Ten members to be elected by the Stretford Council from amongst the members thereof;

Three members to be elected by the Barton Council from amongst the members thereof;

Two members to be elected by the Urmston Council. A.D. 1928.  
from amongst the members thereof.

(2) On the application of any of the constituent authorities the Minister of Health may at any time after giving notice of the application to the other constituent authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities or any of them and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration including an alteration in the number of members to form a quorum.

8.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks after the passing of this Act or within such further time as the Minister of Health shall allow on the application of any of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and thirty-one.

Appoint-  
ment of  
members  
of Board.

(2) Each constituent authority shall at a meeting to be held within one month after the thirty-first day of March in every year or at a special meeting to be held with special notice of the object of such meeting appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being less than a year nor more than three years as they may determine.

9. If any constituent authority fail to appoint first members of the Board or to fill any vacancy as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such

Provisions  
where  
failure to  
appoint  
members.

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Members of Board to be members of constituent authorities.

10. A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by whom he is appointed.

Member of two or more authorities to represent one only.

11. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall choose under which appointment he shall serve and the other appointment shall be deemed void.

Disqualification of members.

12.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he only ceases to be a member of such authority by rotation and is forthwith re-elected a member of such authority.

(2) A person shall be disqualified for being appointed or being a member of the Board if he—

(i) holds any paid office under the Board save as permitted by this Act; or

(ii) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board :

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

(a) in the sale or lease of any lands or in any loan of money to the Board or in the supply of electricity by the Board to him as a consumer or the hire or purchase from the Board by him as a consumer of electricity of the Board of meters stoves fittings or apparatus;

(b) in any newspaper in which any advertisement relating to the affairs of the Board is inserted;  
or



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(c) in any bargain or contract with the Board as a shareholder in any company but no such person shall vote at any meeting of the Board on any question in which such company are interested. A.D. 1928.

**13.** Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk to the Stretford Council and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment. Certificate of appointment of members.

**14.** Any member of the Board may at any time resign his office as such member by writing addressed to the clerk. Resignation of members.

**15.** Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed. Removal of members.

**16.** If any member is absent from meetings of the Board for more than six months consecutively except for some reason approved by the Board he shall on the expiration of that period vacate his office. Member to vacate office if absent.

**17.** Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he is appointed in such manner as the Board think fit. Notice of vacancies.

**18.** If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. Casual vacancies.

**19.—**(1) Subject to the provisions of this Act the term of office of chairman of the Board shall be one year. Chairman of Board.

(2) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall

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A.D. 1928. — appoint one of their members as chairman and another as vice-chairman for the ensuing year.

(3) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(4) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification absence or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

First and subsequent meetings of Board.

**20.** The Board shall hold their first meeting at such place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister of Health and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint provided that the Board shall hold their annual meeting within fourteen days after the thirtieth day of April in every year.

Special meetings of Board.

**21.** The chairman or any three or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly.

Convening of meetings.

**22.** The meetings of the Board shall be convened by the clerk of the Stretford Council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

Quorum of meetings.

**23.** To constitute a meeting of the Board there must be present not less than five of the members of the Board.

Proceedings at meetings.

**24.**—(a) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

(b) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote. A.D. 1928.

25.—(a) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies of or prints of such minutes shall after each meeting be forwarded by the clerk to the clerk of each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting. Minutes of meetings.

(b) A minute of the proceedings of the Board or of a committee of the Board signed at the next ensuing meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(c) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

26. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and vary or revoke the same. Standing orders of Board.

27. The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed. The provisions of section 82 of the Local Government Act 1888 with Committees of Board.

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A.D. 1928. — respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council.

Appoint-  
ment of  
officers.

**28.** The Board may from time to time appoint and remunerate a clerk a manager an engineer a treasurer an accountant and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

Acts not in-  
validated.

**29.** No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

Provision  
in event of  
alteration of  
districts.

**30.** If at any time any new urban district is formed including the whole or any part of any of the constituent districts or the boundaries of any of the constituent districts are otherwise altered or the whole or any part of them is created or included in a municipal borough then and in every such case the Minister of Health may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act but the Minister of Health shall not make such an order until he has held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Minister of Health may direct and an opportunity has been given to any person who appears to the said Minister to be affected of stating any objections he may have thereto.

Arbitration.

**31.** If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of this Act other than under the Electricity (Supply) Acts 1882 to 1926 or the Electric Lighting (Clauses) Act 1899 the same shall be referred to and be settled by the

Minister of Health or by an arbitrator appointed by him and the cost of the reference shall be in the discretion of the Minister of Health or of the arbitrator as the case may be.

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PART III.

TRANSFER OF ELECTRICITY UNDERTAKING OF STRETTFORD COUNCIL AND OF UNDERTAKING OF BARTON BOARD.

**32.**—(1) As on and from the date of transfer the electricity undertaking of the Stretford Council shall (subject to all mortgages or other securities for money properly charged on the revenues of that undertaking and outstanding at the date of transfer) by virtue of this Act be transferred to and vested in the Board to be carried on held used exercised and enjoyed by the Board for the purposes and according to the provisions of this Act and subject thereto as the same would or might have been carried on held used exercised and enjoyed by the Stretford Council if this Act had not been passed.

Transfer of electricity undertaking of Stretford Council.

(2) All mortgages or other securities for money borrowed for the purposes of the electricity undertaking of the Stretford Council which on the date of transfer are properly charged (whether exclusively or otherwise) on the revenues of that undertaking shall continue to be charged on such revenues and also on the funds and rates (if any) on which the same shall have been charged to the like extent and with the like priorities and shall be repaid within the same periods as if this Act had not been passed and the Stretford Council shall continue to pay the interest on such mortgages or other securities and shall repay or make provision for the repayment of the moneys borrowed as aforesaid and secured thereby to the like extent and in like manner as if this Act had not been passed (subject to the provisions with respect to indemnity by the Board and otherwise as in this Act hereinafter provided).

(3) For the purposes of this section the revenue of the electricity undertaking of the Stretford Council shall be deemed to be and shall be so much of the revenue to be received by the Board from the supply of electricity as shall arise in the area within the limits of supply of the Stretford Council as existing at the passing of this Act.

(4) Provided however that if any of the moneys secured by the said mortgages or securities shall under

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A.D. 1928. — the conditions on which the same shall have been borrowed by the Stretford Council or by agreement (with the consent of the Board) between the Stretford Council and the persons to whom the same shall be due become repayable so that the same or some part thereof after repayment might but for the passing of this Act have been re-borrowed by the Stretford Council the Stretford Council shall not re-borrow any such moneys but the amount thereof (after deducting the amount of any moneys which are or ought to be in the sinking fund in respect thereof) shall be paid by the Board to the Stretford Council and together with an amount of money equal to the amount which is or ought to be in the sinking fund as aforesaid shall be applied by the Stretford Council in repayment of the said moneys as aforesaid.

Consideration for transfer of electricity undertaking of Stretford Council.

**33.**—(1) The Board as consideration for the transfer of the electricity undertaking of the Stretford Council as in the last preceding section of this Act provided shall as from the date of transfer indemnify and hold indemnified the Stretford Council against the mortgages and securities for money in such section respectively referred to and against all claims and obligations in respect thereof and so long as the Stretford Council are liable to pay any interest upon or to repay or make provision for the repayment of any moneys secured by the said mortgages and securities the Board shall supply the Stretford Council with the necessary funds for those purposes at such times as may be necessary and convenient for enabling the Stretford Council to fulfil their obligations in that behalf and for the purposes of this Act the moneys so secured shall be deemed to be moneys borrowed by the Board.

(2) The Board shall as further consideration for the transfer of the electricity undertaking of the Stretford Council pay to the Stretford Council in manner provided by this section the value at the date of transfer of all capital assets acquired by the Stretford Council out of revenue or reserve funds such value to be determined by depreciating the expenditure on such assets by amounts equivalent to the total sinking fund contributions which the Stretford Council would have been required to provide if such assets had been acquired out of moneys borrowed for the purpose. In the event of any dispute between the Board and the Stretford Council as to the

total amount or as to the value of such capital assets calculated as aforesaid the same shall be determined by the Electricity Commissioners. The Board shall pay to the council the amount determined under this subsection by equal half-yearly instalments of interest at five per centum per annum and principal combined during such period as may be determined by the Electricity Commissioners. A.D. 1928.

(3) The sums (if any) which are or ought to have been provided by the Stretford Council for purposes of redemption or payment off of the mortgages or other securities for money referred to in subsection (1) of this section by way of sinking fund or otherwise shall to the extent to which the same shall not have been applied to such purposes be paid or credited (as the case may be) by the Stretford Council to the Board.

(4) All moneys received by the Stretford Council under the provisions of subsection (2) of this section shall be applied by such council to the improvement of their district or to such capital purposes as the Stretford Council may determine.

(5) If the total amount of the further consideration payable by the Board to the Stretford Council for the transfer of the electricity undertaking of the Stretford Council under subsection (2) of this section is not ascertained before the date of transfer the date of the final ascertainment of that amount shall for the purposes of section 12 of the Finance Act 1895 (which relates to stamp duty on property vested by Act of Parliament) be treated as the date of vesting.

**34.** The Board shall take over all moveable stock in trade coal and other stores belonging to the Stretford Council and used in connection with their electricity undertaking at the date of transfer at such price failing agreement as may be settled by a valuer to be agreed upon between the parties or failing agreement to be nominated by the Electricity Commissioners upon the application of either party. Board to take over stores of Stretford Council's electricity undertaking.

**35.** The Stretford Council shall be entitled to all rents charges and sums of money accrued due and shall discharge and pay all outgoings and liabilities in respect of their electricity undertaking up to the date of transfer and all rents charges and sums of money not then paid. Provision as to receipts and outgoings of electricity undertaking

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Council.

or received but attributable to any period before that date shall be apportioned and so much thereof as is so attributable shall be accounted for and paid over by the Board to the Stretford Council.

Existing  
officers and  
superannua-  
tion.

**36.**—(1) All persons who at the passing of this Act are officers or servants employed whole time by the Stretford Council exclusively in connection with their electricity undertaking shall be transferred to and become officers of the Board.

(2) Every officer or servant so transferred shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the date of transfer shall receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.

(3) Every officer or servant transferred under the provisions of this section who at the date of transfer held a post designated as an established post under the Local Government and other Officers' Superannuation Act 1922 shall remain subject to the provisions of the superannuation scheme of the Stretford Council under the said Act and the Stretford Council shall be deemed to have admitted such officers or servants to participate in the benefits of such scheme in pursuance of the provisions of subsection (3) of section 5 of the said Act upon such terms and conditions as shall be set out in an agreement made between the Stretford Council and the Board and approved by the Minister of Health or in default of such an agreement prescribed by the Minister of Health.

(4) The Board shall be deemed to be a local authority within the meaning of the Local Government and other Officers' Superannuation Act 1922.

Transfer of  
undertaking  
of Barton  
Board.

**37.**—(1) As on and from the date of transfer the undertaking of the Barton Board shall subject to all debts and liabilities affecting the same and outstanding at the date of transfer by virtue of this Act be transferred to and vested in the Board to be carried on held used exercised and enjoyed by the Board for the purposes and according to the provisions of this Act and subject thereto as the same would or might have been carried on held used exercised and enjoyed by the Barton Board if this Act had not been passed.



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(2) All mortgages or other securities for money borrowed with the sanction of the Electricity Commissioners by the Barton Board for the purposes of their undertaking which on the date of transfer are properly charged on the revenues of the Barton Board shall after the transfer be charged on the revenues of the Board as if the moneys had been borrowed by the Board and shall be repaid within the same periods as if this Act had not been passed. A.D. 1928.

**38.** As from the date of transfer all the rights powers authorities obligations and liabilities conferred or imposed upon the Stretford Council by or under the Stretford Acts and Order shall be transferred to and may be exercised by and shall attach to the Board and the Stretford Acts and Order shall be read and have effect as if the Board had been named therein instead of the Stretford Council and "the undertakers." Exercise by Board of powers of Stretford Acts and Order.

**39.** All byelaws rules and regulations in force at the date of transfer relating to the electricity undertaking of the Stretford Council or the undertaking of the Barton Board shall continue in force until other byelaws rules and regulations are made by the Board. Byelaws &c. to remain in force.

**40.** All books and documents relating to the electricity undertaking of the Stretford Council or the undertaking of the Barton Board which if this Act had not been passed would have been received in evidence shall be received in evidence as if this Act had not been passed. Books &c. to be evidence.

**41.** If on the date of transfer any action or other proceeding is pending by or against the Stretford Council in connection with their electricity undertaking or against the Barton Board the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer of these undertakings to the Board or of anything in this Act but may be continued prosecuted and enforced by or against the Board as and when it might have been continued prosecuted and enforced if this Act had not been passed. Pending actions &c. by or against Stretford Council or Barton Board.

**42.** Except as is by this Act otherwise provided all agreements contracts conveyances deeds and other instruments affecting the electricity undertaking of the Stretford Council or the undertaking of the Barton Board and in force on the date of transfer shall be as binding Contracts to be binding on Board.

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A.D. 1928. — and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if the Board had been a party thereto instead of the Stretford Council or the Barton Board as the case may be.

Mainten-  
ance of un-  
dertakings  
until  
transfer.

**43.** Subject to the provisions of this Act until the date of transfer the electricity undertaking of the Stretford Council and the undertaking of the Barton Board shall respectively be carried on and maintained by the Stretford Council and the Barton Board as heretofore in the ordinary course of business.

Repeal of  
Barton  
Order.

**44.** On and from the date of transfer the Barton Board shall be dissolved and the Barton Order shall by virtue of this Act be repealed save the sections of the said Order that are set out in the First Schedule to this Act all which provisions and sections are hereby exempted from repeal and shall remain in force as if this Act had not been passed the Board being only substituted in and in relation to the said sections for the Barton Board and this repeal or anything in this Act shall not prejudicially affect any right estate or interest given protected or preserved by any of the said sections of the Barton Order. Provided that in the application of section 32 (Compulsory works) and section 33 (Power to revoke Order where no mains are laid) of the Barton Order the periods limited by such sections shall be calculated from the passing of this Act.

Compensa-  
tion to  
officers and  
servants.

**45.** All persons who at the passing of this Act are officers or servants of the Stretford Council or of the Barton Board who by virtue of this Act or of anything done in pursuance or in consequence thereof suffer loss of employment or diminution of salary wages or emoluments shall be entitled to compensation. Such compensation shall be paid by the Board and shall be determined in accordance with the provisions contained in section 16 (Compensation for deprivation of employment) of the Electricity (Supply) Act 1919 as amended by the Electricity (Supply) Acts 1922 and 1926 and for the purposes of the said section 16 such loss of employment or diminution of salary wages or emoluments shall be deemed to have been a loss suffered in consequence of a transfer agreement or arrangement under the said Act of 1919 and the said section 16 shall be construed as if

references therein to the eighth day of May nineteen hundred and nineteen were references to the date of the passing of this Act and as if the words "who has before the said eighth day of May been regularly employed in or about the undertaking or any authorised undertaking" were omitted from the said section. A.D. 1928.

#### PART IV.

##### SUPPLY OF ELECTRICITY.

46. The Board shall be the undertakers for the purposes of this Act. Undertakers.

47. The area of supply shall be the urban districts of Stretford and Urmston and the parishes of Davyhulme Barton Moss and Flixton in the rural district of Barton-upon-Irwell. Area of supply.

48. The prices to be charged by the Board for energy supplied by them shall not exceed those stated in the Second Schedule to this Act or in the case of a method of charge approved by the Minister of Transport such price as the Minister of Transport shall on approving such method determine. Maximum prices.

49. Subject to the provisions of this Act and the Electricity (Supply) Acts 1882 to 1926 the Board may acquire by purchase or on lease and use any lands for the purposes of this Act and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Act Provided that the land so used by the Board shall not at any one time exceed in the whole twenty acres except with the consent of the Electricity Commissioners. Power to acquire and use lands.

50.—(1) No consumer to whom electricity is supplied by the Board for power purposes shall without the consent in writing of the Board use such electricity for lighting purposes or suffer it to be so used. Use for lighting purposes of electricity supplied for power.

Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Board through a meter fixed for the purpose of ascertaining the value of the supply to

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A.D. 1928. — him of electricity agreed to be supplied to him for power purposes shall be subject to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Board at such higher rate as for the time being they may be charging for the supply of electricity for lighting purposes for all or any portion of the electricity which has been supplied to him for power purposes within one year previous to the date when the Board shall sue for any penalty as aforesaid.

Any court having jurisdiction to impose such penalty may and shall on the application of the Board decide upon what portion (if any) of such electricity the higher charge as aforesaid shall be payable to the Board.

(2) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Board have reasonable grounds for believing to be acting contrary to the provisions of this section.

Charges for special readings of electricity meters.

**51.** The Board may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Repeal of certain sections of Stretford Acts and Order.

**52.** As from the date of transfer sections 25 52 53 59 and the Fourth Schedule to the Stretford Electric Lighting Order 1897 subsection (2) of section 122 of the Stretford Urban District Council Act 1904 and all words after "therewith" in the proviso to subsection (1) of section 5 and sections 6 and 25 and 26 of the Stretford Urban District Council Act 1919 shall be and are hereby repealed.

Application of certain provisions of Stretford Urban District Council Acts 1904 and 1919.

**53.** As from the date of transfer the provisions of sections 120 to 123 (inclusive) (except subsection (2) of section 122) of the Stretford Urban District Council Act 1904 and sections 12 to 24 (inclusive) of the Stretford Urban District Council Act 1919 shall extend and apply within the area of supply.

PART V.

A.D. 1928.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

54.—(1) The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Board may mortgage or charge the revenues of the Board and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely):—

Power to borrow.

1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(a) Working capital - - - -	£ 40,000	Ten years from the date or dates of borrowing.
(b) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Board may also with the consent of the Electricity Commissioners borrow such further money as may be required for the purposes of the undertaking.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as “the prescribed period”) as may be prescribed by the Electricity Commissioners.

55.—(1) The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local

Mode of raising money.

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A.D. 1928. — Loans Act 1875 or partly in one way and partly in another or others and for the purpose of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by that Act. Provided that in the case of any moneys borrowed under that Act the prescribed period for the repaying of the same shall be the period mentioned in respect of such moneys in the section of this Act of which the marginal note is "Power to borrow":

Provided further that the provisions of this Act in regard to sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

(2) The Board shall be deemed to be an urban authority within the meaning of Part V (Stock) of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained. Provided that the Minister of Health may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in the said Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

(3) All mortgages debentures annuity certificates and stock granted or issued by the Board under or by virtue of this Act shall rank equally without any priority or preference by reason of any precedence in the date of the granting or issue of the security or on any other account whatsoever.

Form of mortgage.

**56.** Every mortgage to be granted by the Board shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the Third Schedule to this Act or to the like effect.

Manner in which mortgages to be signed and executed.

**57.** Every mortgage to be granted by the Board may be partly in writing and partly in print and shall besides being under the common seal of the Board be signed by at least two members and the clerk or the treasurer of the Board. Provided that none of the said persons shall by his subscription to any such mortgage be or be held to have rendered himself individually or

personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

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**58.** Any person entitled to any such mortgage may transfer his right and interest therein in whole or in part to any other person and every such transfer shall be by deed or by endorsation on the mortgage duly stamped wherein the consideration shall be truly stated and may be in the form contained in the Third Schedule to this Act or to the like effect.

Transfer of mortgages.

**59.** All mortgages granted by the Board under the authority of this Act and all money advanced or lent on the security of the revenues of the Board shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Mortgages to be personal property.

**60.** If any mortgage granted by the Board under the authority of this Act be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Board official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Transmission of mortgages in case of bankruptcy.

**61.** Any person entitled to any mortgage granted by the Board under the authority of this Act may discharge the same and his right and interest therein in favour of the Board by granting a receipt and every such receipt may be written or partly written and partly printed on the mortgage and may be according to the form contained in the Fourth Schedule to this Act or to the like effect and such receipt when signed by the person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes.

Discharge of mortgages.

**62.** All moneys borrowed by the Board shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Board with the approval of the Minister of Health determine.

Application of moneys borrowed.

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Mode of  
payment off  
of money  
borrowed.

**63.** The Board shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund :

Provided that the provision for repayment of moneys borrowed by the Board may with the sanction of the Electricity Commissioners be suspended whilst the expenditure out of such moneys remains unremunerative for such period not exceeding five years from the commencement of the financial year next after that in which such expenditure commences to be incurred and subject to such conditions as the said Commissioners may determine.

Sinking  
fund.

**64.**—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time fix will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is “Alternative application of sinking fund” be imme-



diately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

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(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking

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A.D. 1928. — fund to be sufficient for that purpose Provided that if it appears to the Minister of Health that any such increase is necessary the Board shall increase the payments to such extent as the Minister of Health may direct.

(8) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the loan in respect of which it is formed within the prescribed period the Board may with the consent of the said Minister discontinue the equal annual payments to such sinking fund until the said Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Board with the consent of the Minister of Health may determine.

Alternative application of sinking fund.

**65.**—(1) Where the Board are authorised to borrow money for any purpose they may instead of borrowing by the issue of any fresh security in respect thereof use for such purpose wholly or partially any money for the time being forming part of any sinking fund and moneys so used shall for the purposes of this Act be deemed to be moneys borrowed by the Board Provided that the Board shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on

mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power. A.D. 1928.

(2) The Board when exercising the powers conferred on them by this section shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) Credit the sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of such sinking fund;
- (c) Debit the account of the borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon such borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Act as to repayment and reborrowing shall apply thereto accordingly.

(3) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Board shall determine. Provided that the amount of the moneys deemed to be discharged in respect of any such borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

**66.** When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament the Board are empowered or required to form a sinking fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if

Investment  
of and pay-  
ments into  
sinking  
fund.

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A.D. 1928. — any) required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Board. The accumulations of the said yearly sums shall be paid and provided out of the general revenues of the Board and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be carried to and form part of the general revenues of the Board.

Temporary borrowing.

**67.** The provisions of section 3 of the Local Authorities (Financial Provisions) Act 1921 shall extend and apply to the Board as if they were a local authority within the meaning of the said Act.

Board may borrow temporarily for capital purposes.

**68.** The Board may temporarily until provision can be made for borrowing money on mortgage or by the issue of debentures annuity certificates or stock in manner before mentioned borrow with the consent of the Electricity Commissioners any sum or sums from any bank or banking company or other company or person on security of the revenues of the Board and on such terms and conditions and in such form as may be agreed and any moneys so borrowed shall be subsequently repaid out of moneys duly borrowed on mortgage or by the issue of debentures annuity certificates or stock under the powers of this Act.

Protection of lender from inquiry.

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

Board not to regard trusts.

**70.** The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such

trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. A.D. 1928.  
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**71.**—(1) The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. Appoint-  
ment of  
receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

**72.**—(1) The Board shall have power—

- (a) to borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or
- (b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to  
re-borrow.

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

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

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

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or

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(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to  
constituent  
authorities  
to lend  
money to  
Board.

**73.**—(1) Any constituent authority may with the consent of the Minister of Health lend to the Board any sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

(2) Any constituent authority may from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which such constituent authority may with the consent of the Minister of Health lend to the Board under the provisions of this section.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Stretford Council and the Urmston Council may mortgage or charge the general fund and general rate of their respective districts and the Barton Council may mortgage and charge the general rate of their district.

(4) Any constituent authority may raise all or any moneys which they are authorised to borrow under this section either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in the other and the provisions of the Public Health Act 1875 relating to the borrowing and repayment of money (except subsections (1) (2) and (3) of section 234 of that Act) shall apply to all moneys borrowed by any constituent authority under this section.

(5) Section 77 (Return to Minister of Health with respect to repayment of debt) of this Act shall apply to any constituent authority borrowing money under the provisions of this section as though the constituent authority and the clerk to the constituent authority had been named therein instead of the Board and the clerk respectively.

Receipt in  
case of  
persons not  
sui juris.

**74.** If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Board.

**75.** Where more persons than one are registered as joint holders of any security of the Board any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Board by any other of them. A.D. 1928.  
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Interest on securities held jointly.

**76.** It shall not be obligatory on the Board to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited. Evidence of transfer or transmission of securities.

**77.—**(1) The clerk shall if and when requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Board under any statutory borrowing power. Return to Minister of Health with respect to repayment of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether

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A.D. 1928. — such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and the Board shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Apportionment of deficiency in net revenue of Board.

**78.**—(1) Before the commencement of every financial year or half year as they may determine or as soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year or half year as the case may be and if at the close of any financial year or half year as the case may be the accounts of the Board show a deficiency in the net revenue of the Board the Board shall forthwith apportion the sum required to meet such deficiency between the councils in proportion to the receipts of the Board from consumers (whether public or private) for electricity supplied within the districts of the councils respectively during that year unless they are of opinion that such deficiency will be made good out of the net revenue of the next financial year.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amount so apportioned to them respectively.

(3) Such amounts respectively shall be raised and paid by the Stretford Council and the Urmston Council out of the district fund and general district rate of their respective districts and by the Barton Council as special expenses within the meaning of section 229 of the Public Health Act 1875 chargeable upon the parishes or contributory places of Davyhulme Barton Moss and Flixton



according to the rateable value of the said parishes respectively and the constituent authorities respectively are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid. . . .

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(4) If any of the constituent authorities fail to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

- (a) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction;
- (b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

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(5) Any receiver appointed under this Act upon the application of the mortgagees of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Application  
of moneys  
received by  
Board.

**79.**—(1) All moneys received by the Board in respect of the undertaking except (a) borrowed money (b) money arising from the disposal of lands acquired for the purposes of this Act and (c) other capital money received by them in respect of the undertaking shall be applied by them in manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers clerks or servants in relation to the undertaking;

Secondly In payment of the interest on moneys borrowed by the Board under this Act;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under this Act;

Fourthly In payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

Fifthly In repayment to the constituent authorities of any sums contributed by them to make up deficiencies in previous years;

Sixthly In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and investing the same in statutory securities until the fund amounts to a sum equal to ten per centum of the aggregate capital expenditure for the time being on the

undertaking The reserve fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part of or otherwise for the benefit of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so on as often as the reduction happens All interest received in any year from investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the Board and may be applied in payment of interest on loans of the Board but the reserve fund shall in that year be increased by a sum equal to the amount of such interest except to the extent that such increase would raise the reserve fund above the prescribed maximum Provided that resort may from time to time be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

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The Board shall subject as hereinafter provided apportion the net surplus remaining in any year and the annual proceeds of the reserve funds when amounting to the prescribed maximum between the constituent authorities in the same manner in which any deficiency in the revenue is required to be apportioned by the last preceding section of this Act and any sum paid to the Stretford Council or the Urmston Council shall be carried by them to the credit of the district fund and general district rate of their respective districts and any sum paid to the Barton Council shall be apportioned between the parishes or contributory places of Davyhulme Barton Moss and Flixton according to the rateable value of the said parishes respectively and carried to the credit of any fund raised for the purposes of the special expenses of the parish or contributory place Provided that the Board may retain in hand at the close of any accounting period so much of the surplus as they shall think necessary for

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A.D. 1928. — the purpose of carrying on the undertaking and paying the current expenses connected therewith.

If the surplus in any year exceeds one and a half pounds per centum upon the outstanding debt of the undertaking the Board shall make such a rateable deduction in the charge for supply of energy as in their judgment will ensure that the next yearly surplus shall not exceed that maximum rate of profit.

(2) All moneys arising from the disposal of lands acquired by the Board for the purposes of this Act and all other capital moneys received by them in respect of the undertaking shall be applied by them in the reduction of the capital moneys borrowed by them under this Act.

Accounts and yearly balance sheets.

**80.** The Board shall cause proper books of account and other books in relation thereto to be kept and the annual statement of accounts of the undertaking which the Board are required to fill up in accordance with section 9 of the Electric Lighting Act 1882 shall be made up to the thirty-first day of March in each year and the Board shall furnish a copy of such statement of accounts to each of the councils on or before the thirtieth day of June next ensuing.

Accounts to be open to inspection.

**81.** The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent authority or by any officer of a constituent authority duly authorised in writing for that purpose.

Audit of accounts.

**82.—(1)** The Board may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors to act as auditor or auditors of the accounts of the Board in such manner as the Board direct. Any auditor or auditors appointed by the Board under the provisions of this section and for the time being holding office is or are in this section referred to as "the appointed auditor."

(2) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Board and may be for such term and subject to such conditions as the Board may think fit.

(3) The accounts of the income and expenditure of the Board shall be made up yearly to the thirty-first day

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of March and shall before being published as provided by section 9 of the Electric Lighting Act 1882 be audited together with the accounts of the committees and officers of the Board by the appointed auditor and he shall be entitled to require from any officer of the Board all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties. A.D. 1928:  
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(4) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Board such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

(5) A copy of the accounts of the Board duly audited and of the auditor's report shall be sent to the Electricity Commissioners and each of the councils by the clerk within one month after such accounts have been audited.

**83.** Any notice to be served by the Board on a person supplied with electricity shall be sufficiently authenticated by the signature of the clerk or other officer of the Board for the time being authorised in writing by the Board being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of electricity by the name either of the clerk or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises. Authenti-  
cation and  
service of  
notices by  
Board.

**84.** Section 193 (Officers not to contract with local authority) of the Public Health Act 1875 as amended by section 2 of the Public Health (Members and Officers) Act 1885 and section 259 (Appearance of local authority in legal proceedings &c.) and section 265 (Protection of local Incorpora-  
tion of  
sections 193  
259 and 265  
of Public  
Health Act  
1875.

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A.D. 1928. authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875.

Judges not disqualified. **85.** A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any payment to the Board.

Inquiries by Minister of Health. **86.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Board shall pay to the Minister of Health any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister of Health not exceeding five guineas a day for the services of such inspector.

Power to apply for further powers &c. **87.**—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or Special Order and in any such Special Order promoted by the Board provision may be made for repealing varying amending or extending any of the provisions of this Act.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or Order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses Provided that—

(a) no expenses in relation to the promotion of any such Bill or Order shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof.

in a newspaper circulating in the area of supply such notice to be in addition to the ordinary notices required for summoning such meeting; A.D. 1928.

- (b) no further expenses shall be incurred or paid as aforesaid after the deposit of the Bill or the memorial or application for the Order unless the propriety of the promotion of the Bill or Order shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament or of the memorial or application for the Order and unless in the case of the promotion of a Bill the propriety of such promotion shall have received the approval of the Minister of Health.

**88.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and such costs charges and expenses shall in the first instance be paid by the Stretford Council but shall be repaid to such council by the Board out of the moneys to be borrowed by them under the powers of this Act. Costs of Act.

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The SCHEDULES referred to in the  
foregoing Act.

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FIRST SCHEDULE.

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PROVISIONS OF THE BARTON ORDER EXEMPTED FROM  
REPEAL.

Incorporation of Acts.

5.—(1) The following enactments are (subject to the provisions of and so far as applicable to the purposes of this Order) incorporated with and form part of this Order :—

The schedule to the Electric Lighting (Clauses) Act 1899 (with the exception of sections 5 6 7 83 and 84 of that schedule) Provided that sections 23 and 65 of that schedule shall apply to the undertaking as if the Board were the local authority.

Undertakers.

29. The Undertakers for the purposes of this Order and within the meaning of section 2 of the schedule to the Electric Lighting (Clauses) Act 1899 are the Board.

Area of supply.

30. The area of supply for the purposes of this Order and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the area which is described in the First Schedule to this Order and is more particularly delineated on the map deposited at the office of the Electricity Commissioners and signed by the Secretary to the Electricity Commissioners Provided that in case of difference between the description in the First Schedule and the area as delineated on the said map the latter shall prevail.

Power to break up streets.

31. Subject to the provisions incorporated with this Order the Board are specially authorised by this Order to break up the streets and parts of streets not repairable by the local authority which are mentioned in the Second Schedule to this Order.

Compulsory works.

32. The streets and parts of streets throughout which the Board are to lay down suitable and sufficient distributing mains for the purpose of general supply within a period of two years after the commencement of this Order as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are those mentioned in the Third Schedule to this Order.

Power to revoke Order where no mains are laid.

33.—(1) If at the expiration of three years from the commencement of this Order suitable and sufficient distributing mains shall not have been laid down in the parish of Barton Moss mentioned in the First Schedule to this Order the Minister of



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Transport may if he thinks fit revoke this Order in respect of the said parish or any part or parts thereof where such mains shall not have been laid. A.D. 1928.

64.—(1) Nothing in this Order shall in any way limit or affect the powers of the Lancashire County Council (in this section referred to as "the County Council") to rebuild alter widen or repair the structure of any bridge upon which any work by this Order authorised shall be constructed or impose upon the County Council any liability which was not by law imposed upon them prior to the commencement of this Order. For the protection of the Lancashire County Council.

(2) If at any time the County Council require to carry out works for rebuilding altering widening or repairing any bridge which might involve interference with any portion of the undertaking they shall prior to the commencement of such works give the Board one month's notice in writing of their intention to carry out such works and if in order to avoid interruption to the supply by the Board of electrical energy it is in the opinion of the County Council necessary temporarily to remove the mains and other electrical appliances belonging to the Board from such bridge then the Board shall (and they are hereby authorised so to do) at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the County Council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Board shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the County Council and the Board with regard to the foregoing provisions of this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

(5) No electric line shall be placed by the Board above ground within the area of supply under this Order along or across any county bridge or any main road vested in the County Council without the consent in writing of the County Council under the hand of their clerk unless the Minister of Transport consents to the placing of such line above ground and the said Minister before giving his consent shall give the County Council an opportunity of being heard.

65. Nothing in this Order shall prejudice the provisions of subsection (3) of section 41 (As to supply of electricity) of the Manchester Corporation Tramways Act 1904. Saving section 41 (3) of Manchester Corporation Tramways Act 1904.

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SCHEDULES.

FIRST SCHEDULE.

AREA OF SUPPLY.

The urban district of Urmston and the parishes of Barton Moss and Flixton and so much of the parish of Davyhulme as lies to the south-west of an imaginary line drawn along the centre of the Bridgewater Canal in the rural district of Barton-upon-Irwell as the same are respectively constituted at the commencement of this Order.

SECOND SCHEDULE.

Streets and parts of streets not repairable by the local authority which may be broken up by the Board in pursuance of the special powers granted by this Order.

In the urban district of Urmston—

Newton Road Lyndale Avenue Carisbrook Avenue  
Walmsley Grove Grange Road Carlton Road West-  
moreland Road Royal Avenue Sylvan Avenue  
Rowan Avenue Derby Road Greenfield Avenue  
Primrose Avenue Eastwood Avenue Braddon Avenue  
Brentwood Avenue Westbourne Park Granville Road  
Urmston Park road off Moss Road near boundary  
Summer Avenue Victoria Street Addison Road  
Ashfield Road Southgate Falcon Avenue Jack Lane  
Lodge Avenue Chadwick Lane Highfield Avenue  
road off Humphrey Lane in front of Manor House  
Humphrey Lane Rock Road Allen Road Gilpin  
Road Blinco Road Link Avenue Longfield Road  
and the roadways on the bridges carrying Longfield  
Road Station Road and Moss Road over the railway  
of the Cheshire Lines Committee.

In the parish of Barton Moss—

Liverpool Road Barton Moss Road.

In the parish of Flixton—

Flixton Road Church Road Carrington Road Chassen  
Road Irlam Road Woodsend Road Moorside Road  
from Woodsend Road to the boundary of the parish  
of Davyhulme Brook Road Marlborough Road  
Windsor Avenue The Crescent Whitelake Avenue

Delamere Road Alderley Road Sheldon Road Clifton A.D. 1928.  
Road Parsonage Road Western Road Albert Avenue —  
Bents Avenue Victoria Road Victoria Avenue  
Feeble Street Rothiemay Road Brooklyn Avenue  
Clarendon Road Brighton Avenue Greenfield Terrace  
Goldsworthy Road The Avenue Barnfield Avenue  
Westgate Southgate Lime Avenue Holly Avenue  
Oak Avenue Spennithorne Road Longfield Princess  
Road Balfour Road Barton Avenue and the roadways  
on the bridges carrying Chassen Road Longfield Road  
Flixton Road and Parsonage Road over the railway  
of the Cheshire Lines Committee.

In the parish of Davyhulme—

Barton Road Lostock Road Moss Road Moss Lane  
Crofts Bank Road Redclyffe Road including bridge  
approach over Bridgewater Canal to Ashburton Road  
Chapel Place Talbot Road Davyhulme Road Corn-  
hill Road Moorside Road from Cornhill Road to the  
boundary of the parish of Flixton Dalveen Avenue  
Primrose Avenue Bent Lanes and Red Lane.

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### THIRD SCHEDULE.

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Streets and parts of streets throughout which the Board are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Order.

In the urban district of Urmston—

Crofts Bank Road Derby Road Primrose Avenue West-  
bourne Road Railway Road Flixton Road Station  
Road Queens Road Church Road Westmoreland  
Road Higher Road Gloucester Road Stretford Road  
Meadow Road and Southgate Manor Avenue.

In the parish of Flixton—

Barnfield Road Moorside Road Woodsend Road from  
Moorside Road to Irlam Road Irlam Road from  
Woodsend Road to Flixton Road Flixton Road  
Church Road for 600 yards from Urmston boundary  
Brook Road Chassen Road Princess Road The  
Village.

In the parish of Davyhulme—

Crofts Bank Road Davyhulme Road from Crofts Bank  
Road to lodge gates Cornhill Road and Moorside Road.

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SECOND SCHEDULE.

MAXIMUM PRICES.

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.

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

- (a) In respect of the quarters ending thirty-first March and thirty-first December—

For any amount up to fifteen units ten shillings and for each unit over fifteen units eightpence.

- (b) In respect of the quarters ending thirtieth June and thirtieth September—

For any amount up to ten units six shillings and eightpence and for each unit over ten units eightpence.

SECTION 2.

Where the Board charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Board under the regulations of the Electricity Commissioners.

THIRD SCHEDULE.

FORM OF MORTGAGE.

STRETFORD AND DISTRICT ELECTRICITY BOARD.

By virtue of the Stretford and District Electricity Board Act 1928 and of other their powers in that behalf them enabling the Stretford and District Electricity Board (hereinafter referred

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to as "the Board") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the Board by \_\_\_\_\_ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Board in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of \_\_\_\_\_ per centum per annum from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until payment of the said sum such interest to be paid half-yearly on the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ in each year And it is hereby agreed that the said sum of \_\_\_\_\_ pounds shall be repaid at the offices of the Board (subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ [by \_\_\_\_\_ ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Board and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the chairman and clerk for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Board have caused their common seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named \_\_\_\_\_ consenting the within-mentioned time for repayment of the within-mentioned principal sum of \_\_\_\_\_ is hereby extended to the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ [and the interest to be paid thereon on and from the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ is hereby declared to be at the rate of \_\_\_\_\_ per centum per annum].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_

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FORM OF TRANSFER OF MORTGAGE.

I [the within-mentioned] [of ] in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the Stretford and District Electricity Board bearing date the day of ] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions..

Dated this day of one thousand nine hundred and

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FOURTH SCHEDULE.

FORM OF RECEIPT.

Received from the treasurer to the Stretford and District Electricity Board acting on their behalf the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up.

Dated this day of one thousand nine hundred and

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