



## CHAPTER xi.

An Act to confer further powers on the Lancashire  
Electric Power Company and for other purposes. A.D. 1929.  
[27th March 1929.]

**W**HEREAS the Lancashire Electric Power Company (hereinafter called "the Company") were incorporated by the Lancashire Electric Power Act 1900 and by that Act and the Lancashire Electric Power Act 1904 and the Lancashire Electric Power Act 1906 are authorised (amongst other things) to acquire lands to erect generating stations and other works and to supply electricity in bulk and for other purposes defined in those Acts within parts of the county of Lancaster :

And whereas the share capital of the Company authorised by the said Acts is £3,000,000 and the issued share capital on the 18th February 1929 was £2,415,990 divided into 241,599 shares of £10 each which are now fully paid up :

And whereas the Company are also authorised by the said Acts to raise by borrowing on mortgage of their undertaking and the creation and issue of debenture stock any sum or sums not exceeding one-third of the amount of the share capital of the Company for the time being issued and paid up and in exercise of that power the Company have raised money by mortgage of their undertaking of which the amount outstanding on the 18th February 1929 was £805,330 :

And whereas the demands for electricity in the Company's limits of supply have in recent years increased

A.D. 1929. — very rapidly and continue to increase and for the purpose of enabling the Company to meet those demands and of fulfilling their obligations it is expedient that they be authorised to raise additional share and loan capital :

And whereas it is expedient that further powers be conferred on the Company as by this Act provided and that the other provisions of this Act be enacted :

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

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

#### PRELIMINARY.

Short and  
collective  
titles.

1.—(1) This Act may be cited as the Lancashire Electric Power Act 1929.

(2) The Lancashire Electric Power Acts 1900 to 1906 and this Act may be cited together as the Lancashire Electric Power Acts 1900 to 1929.

Application  
of Elec-  
tricity  
(Supply)  
Acts.

2. This Act shall be deemed to be a special Act within the meaning of the Electricity (Supply) Acts 1882 to 1926 and the Electric Lighting (Clauses) Act 1899 but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the undertaking by this Act authorised or to the Company in reference thereto.

Incorpora-  
tion of  
general  
Acts.

3.—(1) The Companies Clauses Consolidation Act 1845 except sections 38 40 and 101 to 104 thereof and the Companies Clauses Act 1863 as amended by subsequent Acts except Part IV (Change of name) so far as applicable for the purposes of this Act and not inconsistent with or varied by the provisions of the existing Acts and this Act are (subject to the provisions of this Act) hereby incorporated with this Act.

(2) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 which are incorporated with the Act of 1900 and the provisions of section 30 (except as regards a supply to lighting authorities) of that schedule so far as applicable for the purposes of this Act and not inconsistent with or varied by the provisions of the existing Acts or this Act are (subject to the provisions

of this Act) hereby incorporated with this Act but save as aforesaid the provisions of that schedule shall not apply to the undertaking by this Act authorised or the Company in reference thereto and section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 shall in its application to the undertaking by this Act authorised and to the Company in reference thereto have effect as if after the words "electric signalling communication" wherever they occur there were inserted the words "or electrical control of railways."

A.D. 1929.

4. In this Act the words and expressions to which by the Companies Clauses Consolidation Act 1845 or by the Electric Lighting Act 1882 or the schedule to the Electric Lighting (Clauses) Act 1899 meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

Interpretation.

"The Company" means the Lancashire Electric Power Company;

"The Act of 1900" "the Act of 1904" and "the Act of 1906" respectively mean the Lancashire Electric Power Acts of those respective years;

"The existing Acts" means the Lancashire Electric Power Acts 1900 to 1906;

"The area of supply" means the area of supply defined by the Act of 1900;

"The undertaking" means the undertaking of the Company for the time being authorised;

"Authorised undertakers" and "authorised distributors" have the same respective meanings as in the Act of 1906;

"Generating station" has the same meaning as in the Electricity (Supply) Act 1919;

"Employees" means officers servants workmen and other employees of the Company.

#### FINANCIAL PROVISIONS.

5. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one million pounds (nominal capital) by the issue at their option of new ordinary shares of ten pounds each.

Additional capital.

A.D. 1929.

—  
Incidents of  
new capital.

6.—(1) The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company and the new shares were shares in that capital.

(2) All shares created or to be created by the Company under the Act of 1900 and this Act shall for all purposes be deemed to form part of one and the same class of capital.

Power to  
borrow.

7.—(1) The Company may at any time and from time to time after the passing of this Act and without obtaining any certificate of a justice under the Companies Clauses Consolidation Act 1845 raise by borrowing on mortgage of the undertaking in respect of the ordinary shares issued by the Company prior to the passing of this Act any sum or sums not exceeding in the whole (inclusive of the nominal amount of the mortgages granted by the Company prior to the passing of this Act and for the time being outstanding) one-half of the nominal amount of those shares.

(2) The Company may also borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the nominal amount of any ordinary shares issued by the Company after the passing of this Act under the powers of the Act of 1900 or this Act but no part of any such sum or sums shall be borrowed until the whole of the shares in respect of which the borrowing powers are to be exercised have been fully paid and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that such shares have been issued and fully paid. On production to the justice of the books of the Company and such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Debenture  
stock.

8. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and section 23 (Debenture stock) of the Act of 1900.

9. The following sections of the Act of 1900 shall so far as applicable and not varied by or inconsistent with the provisions of this Act extend and apply to the provisions and for the purposes of this Act as if those sections with any necessary modifications were re-enacted herein (that is to say):—

A.D. 1929.

—  
Application  
of financial  
sections of  
Act of 1900.

Section 9    (Shares not to be issued until one fifth paid);

Section 10   (Calls);

Section 11   (Receipt in case of persons not sui juris);

Section 12   (Power to divide shares);

Section 13   (Dividends on half shares);

Section 14   (Dividend on preferred shares to be paid out of profits of year only);

Section 15   (Half shares to be registered and certificates issued);

Section 16   (Terms of issue to be stated in certificates);

Section 17   (Forfeiture of preferred shares);

Section 18   (Preferred shares not to be cancelled or surrendered);

Section 19   (Half shares to be half shares in capital);

Section 22   (For appointment of a receiver);

Section 24   (Application of moneys).

10. The Company may for the purposes of or in connection with the undertaking borrow money on temporary loan by means of overdrafts or otherwise and may under the hand or hands of one or more of their directors or officers generally or specially authorised draw accept and endorse bills of exchange or other negotiable instruments.

Company  
may incur  
temporary  
loans.

11. The Company may in issuing any portion of the capital or any securities authorised by this Act dispose of all or any of the shares representing that capital or those securities at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company.

As to dis-  
posal of  
shares or  
securities.



A.D. 1929.

Power to  
apply funds.

**12.** The Company may apply for or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise under the authority of the Act of 1900.

## ADMINISTRATIVE PROVISIONS.

Annual  
meetings.

**13.** The ordinary meeting of the Company shall be held in each year at such time and place as the directors may from time to time appoint.

Notice of  
meetings.

**14.** Any meeting of the Company whether ordinary or extraordinary may (if the directors so determine) be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company not less than six clear days before the date of the meeting. In proving that any such notice has been posted it shall be sufficient to prove that the notice was properly addressed and put into the post and prepaid not later than the time hereby prescribed.

Quorum for  
general  
meeting.

**15.** For the purposes of constituting a meeting of the Company whether ordinary or extraordinary the prescribed quorum referred to in section 72 of the Companies Clauses Consolidation Act 1845 shall be five shareholders.

Directors.

**16.—(1)** The number of directors shall be five provided that the Company may vary the number between a maximum of seven and a minimum of three.

(2) The quorum of a meeting of directors shall be such number (not being less than two) as the directors may from time to time determine.

(3) Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at an ordinary meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the head office of the Company not less than seven clear days before the day of election.

(4) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under

the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that if he is or becomes interested in any contract with the Company (whether such interest shall arise before or after his appointment as a director) the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

A.D. 1929.

(5) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors shall be less than the minimum number prescribed by this section the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below that minimum.

**17.** Section 95 of the Companies Clauses Consolidation Act 1845 shall be deemed to authorise the directors to appoint any one or more of their body as a committee for the purposes of passing transfers and sealing certificates of any shares or other securities of the Company and of executing any other minor powers exerciseable by the directors.

As to committees of directors.

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

Managing directors.

(2) A managing director while holding that office shall not be subject to retirement by rotation nor be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

A.D. 1929.

(3) Subject to any directions which may be given at an ordinary meeting the remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

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

Register of  
shareholders  
and share-  
holders'  
address  
book.

**19.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

- (a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by that Act to be entered in the register of shareholders and the shareholders' address book respectively; or
- (b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

Interim  
dividends  
and annual  
accounts.

**20.** If and so long as the ordinary meetings of the Company shall be held once only in each year the following provisions shall have effect :—

- (a) It shall be lawful for the directors to pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting;
- (b) The Company and the directors shall not be required to make up a half-yearly balance sheet and accounts; and
- (c) The balance sheet and accounts made up by them in any year in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the period since the date to which the last preceding balance sheet and accounts of the Company were made up.



**21.**—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Electricity Commissioners to be the auditor or auditors of the Company. A.D. 1929.  
—  
Auditors.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

(3) A person other than a retiring auditor shall not be capable of being appointed at an ordinary meeting an auditor of the Company unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the secretary not less than seven days before the meeting and the secretary shall send a copy of any such notice to the retiring auditor and shall give notice thereof to the shareholders either by advertisement or in any other mode determined by the directors not less than three days before the meeting.

(4) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

**22.** In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors. Remunera-  
tion of  
secretary  
and audi-  
tors.

**23.**—(1) The Company may grant such gratuities pensions or superannuation allowances or make such other payments as they may think fit to any employees of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and they may establish and maintain a fund out of which such gratuities pensions allowances and payments may be granted or made. Power to  
make super-  
annuation  
and other  
allowances.

(2) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee

A.D. 1929. — widow family or dependant as aforesaid such gratuities pensions allowances or payments as are by this section authorised to be granted or made and may for all or any of the purposes of this section apply the revenues of the Company.

Power to  
make dona-  
tions sub-  
scriptions  
&c.

24. The directors may subscribe or make donations to infirmaries hospitals and convalescent homes and other institutions and objects and to the benevolent and sick funds of the employees of the Company and may for any of those purposes apply the revenues of the Company.

#### MISCELLANEOUS PROVISIONS.

Provisions  
as to elec-  
tricity sup-  
plied under  
agreements.

25.—(1) If any consumer of electricity supplied by the Company under the terms of any agreement uses the electricity supplied to him by the Company in any manner contrary to the terms of that agreement the Company may (if they think fit) discontinue to supply electricity to that consumer until they are satisfied that any electricity so supplied will be used in accordance with the terms of the agreement. Provided that before discontinuing any such supply the Company shall give to the consumer taking the supply seven days' notice in writing of their intention so to do and shall in the notice specify in what respect the electricity is used contrary to the terms of the agreement.

(2) A consumer (other than any authorised undertakers) supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply electricity within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Company under such agreement unless those provisions are expressly excluded from application in the agreement. If the Company fail to supply electricity to any such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the failure is caused by or in consequence of the wilful neglect or default of the Company.

**26.** If any consumer uses or deals with the electricity supplied to him by the Company in such manner as to interfere unduly or improperly with the efficient supply of electricity by the Company to any other consumer the Company may if they think fit cease to supply electricity to the first-mentioned consumer.

A.D. 1929.  
 —  
 For pre-  
 vention of  
 improper  
 use.

**27.** The Company may refuse to supply electricity to any person from whom any payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bonâ fide dispute) whether the payment be due to the Company in respect of the premises for which a supply is demanded or in respect of other premises.

Power to  
 refuse to  
 supply  
 electricity  
 in certain  
 cases.

**28.** If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any works used for or in connection with the supply of electricity by the Company or do or cause to be done anything which is calculated to interfere with or damage such works or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

Penalty for  
 interference  
 with works.

**29.** Where a separate transformer is provided at the expense of the Company for the purpose of affording a supply of electricity to any consumer the Company may use the transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which the transformer was originally provided.

As to use  
 of trans-  
 formers.

**30.** Notwithstanding anything in the Electricity (Supply) Acts 1882 to 1926 or the existing Acts or this Act the Company on the one hand and any person (other than any authorised distributors) to whom the Company are under the existing Acts authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Company to such person and at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly Provided that the Company shall not in making any such contract or agreement show any undue preference to any such person.

Agreements  
 for supply  
 of elec-  
 tricity.

A.D. 1929.

—  
Dwelling-  
houses and  
recreation  
grounds for  
employees.

**31.**—(1) The Company may erect and maintain upon any lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do and may acquire and hold cottages or dwelling-houses for their employees and other buildings in connection with or for the purposes of the undertaking.

(2) The Company may by agreement purchase or take on lease and maintain lands to be used by their employees for the purposes of recreation and may let or allow the use for those purposes of any lands for the time being belonging to them.

Persons  
under dis-  
ability may  
grant ease-  
ments &c.

**32.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Company  
may dispose  
of lands not  
required.

**33.** Notwithstanding any provisions of the Lands Clauses Acts the Company may sell grant or lease for such periods and for such consideration as they think fit any lands houses and property for the time being belonging to them which they do not require for the purposes of the undertaking or any interest right or easement therein.

Power to  
apply for  
Special and  
other  
Orders.

**34.** The Company may apply for Special or other Orders under the Electricity (Supply) Acts 1882 to 1926 or under any Act extending or amending those Acts or any of them.

Transfer of  
under-  
takings to  
Company.

**35.** Section 4 (Transfer of undertakings of local authorities and others to Company) of the Act of 1904 as amended by section 19 (Transfer of undertakings to

Company) of the Act of 1906 shall after the passing of this Act be read and construed and have effect as if— A.D. 1929.

- (a) any reference in those sections to a Provisional Order under the Electric Lighting Acts 1882 and 1888 included a reference to a Provisional Order or Special Order under the Electricity (Supply) Acts 1882 to 1926;
- (b) the word “confirmed” included approved by Parliament; and
- (c) the words “first day of January nineteen hundred and thirty” were substituted in the said section 19 for the words “first day of August one thousand nine hundred and six.”

**36.** The Company and any authorised undertakers authorised to supply electricity in any area within or partly within and partly without or adjoining the area of supply may with the approval of the Electricity Commissioners enter into and carry into effect agreements and arrangements for and with respect to the management by the Company of the whole or part of the undertaking or of any generating station transforming station sub-station or works of such authorised undertakers on and subject to such terms and conditions as may be agreed between the Company and such undertakers. Power to manage under-takings or works of other undertakers.

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

**38.** Proceedings for the recovery of any demand made under the authority of the existing Acts or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.



A.D. 1929.

Repeal.

**39.** The following provisions of the existing Acts are hereby repealed :—

Act of 1900—

Section 26 (Number of directors);

Section 28 (Quorum).

Act of 1906—

Section 32 (Recovery of demands in county court).

Costs of  
Act.

**40.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

---

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses :  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;  
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.