



CHAPTER lxxxvi.

An Act to authorise the Derbyshire and Nottinghamshire Electric Power Company to raise additional capital to confer further powers upon the Company and for other purposes. A.D. 1929.

[10th May 1929.]

WHEREAS by the Derbyshire and Nottinghamshire Electric Power Act 1901 the Derbyshire and Nottinghamshire Electric Power Company (hereinafter called "the Company") were incorporated and authorised (amongst other things) to acquire lands to erect generating stations and other works and to supply electricity in the counties of Nottingham and Derby within the area of supply defined in that Act and by the Derbyshire and Nottinghamshire Electric Power Acts 1902 1904 and 1906 further powers were conferred upon the Company :

And whereas the Company are authorised undertakers under the following Orders granted or made in terms of the Electricity (Supply) Acts 1882 to 1928 or some or one of those Acts :—

- Ilkeston Electric Supply Order 1899;
- Beeston and District Electric Lighting Order 1914;
- Heanor Eastwood and District Electric Lighting Order 1914;
- Belper and District Electricity Special Order 1921;
- Matlock and District Electricity Special Order 1923;

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Sutton-in-Ashfield and District Electricity Special Order 1925;

Shardlow Electricity Special Order 1926;

Bakewell and District Electricity Special Order 1926;

East Nottinghamshire Electricity Special Order 1928:

And whereas the capital of the Company authorised by the said Act of 1901 is one million eight hundred thousand pounds in one million eight hundred thousand shares of one pound each and the Company are by that Act as varied by the said Act of 1904 authorised to borrow on debentures or mortgage of their undertaking any sum not exceeding one-third part of the share capital at the time issued:

And whereas the Company have issued one million six hundred and twenty-eight thousand shares of one pound each the whole of which are fully paid up and the Company have raised thirty-six thousand seven hundred and eighty-five pounds by the issue of debenture stock:

And whereas it is expedient that the Company should be empowered to raise additional capital and to raise further money by borrowing or by the creation and issue of debentures or debenture stock and that the powers of the Company in respect of the raising of money should be enlarged and extended as by this Act provided:

And whereas it is expedient that the provisions in this Act contained in relation to meetings the qualification and powers of directors and the management of the affairs of the Company should be enacted:

And whereas certain lands in the borough of Derby were in the year one thousand nine hundred and twenty-three purchased by agreement by the Company together with the generating station and works situate on such lands and the capacity of such station has from time to time with the consent of the Electricity Commissioners been extended by the Company:

And whereas the said generating station is known as the Spondon generating station and is a selected station for the purposes of the Central England Electricity Scheme 1928:

And whereas it is expedient that the purchase of such lands should be confirmed and that the Company

be empowered to maintain work and use the generating station and works thereon and that the powers of the Company with regard to the supply of electricity be extended as by this Act provided: A.D. 1929.

And whereas it is expedient that the Company be empowered to acquire additional lands:

And whereas it is expedient that the Company and certain local authorities companies bodies and persons should be empowered to enter into and carry into effect agreements and that further powers be conferred upon the Company with reference to their undertaking as by this Act provided and to enact the other provisions of this Act:

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:—

1. This Act may be cited as the *Derbyshire and Nottinghamshire Electric Power Act 1929.* Short title.

2. The *Derbyshire and Nottinghamshire Electric Power Acts 1901 1902 1904 and 1906* and this Act may be cited together as the *Derbyshire and Nottinghamshire Electric Power Acts 1901 to 1929.* Citation of Acts.

3. The following Acts and parts of an Act are (except where expressly varied by this Act) incorporated with and form part of this Act and this Act shall be deemed to be a special Act within the meaning of those Acts (that is to say):— Incorporation of Acts.

The Companies Clauses Consolidation Act 1845;
Parts I II and III of the Companies Clauses Act 1863 (as amended by subsequent Acts) relating respectively to cancellation and surrender of shares to additional capital and to debenture stock;

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement.

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Interpretation.

4. In this Act the several words terms and expressions to which meanings are assigned by the Acts of 1901 to 1906 the Electricity (Supply) Acts 1882 to 1928 the schedule to the Electric Lighting (Clauses) Act 1899 or by the Acts wholly or partially incorporated herewith 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 the following expressions shall have the respective meanings in this section applied to them (that is to say) :—

“ The Company ” means the Derbyshire and Nottinghamshire Electric Power Company ;

“ The Act of 1901 ” “ the Act of 1902 ” “ the Act of 1904 ” and “ the Act of 1906 ” mean respectively the Derbyshire and Nottinghamshire Electric Power Act 1901 the Derbyshire and Nottinghamshire Electric Power Act 1902 the Derbyshire and Nottinghamshire Electric Power Act 1904 and the Derbyshire and Nottinghamshire Electric Power Act 1906 ;

“ The Acts of 1901 to 1906 ” means the Act of 1901 the Act of 1902 the Act of 1904 and the Act of 1906 ;

“ The undertaking ” means the undertaking of the Company ;

“ The area of supply ” means the area within which the Company are or may hereafter be authorised to supply electricity ;

“ The directors ” and “ the secretary ” mean respectively the directors and the secretary of the Company.

Power to raise additional capital.

5. The Company may from time to time raise additional capital not exceeding in the whole four hundred thousand pounds nominal capital by the creation and issue at their option of new ordinary shares preferred ordinary shares deferred ordinary shares or preference shares of one pound each or wholly or partially by any one or more of those modes respectively and they may attach to any such capital such rights liabilities privileges and preferences as they think fit.

6. Any new ordinary shares created by the Company under this Act (not being preferred ordinary shares or deferred ordinary shares) and the holders of such new ordinary shares respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents in all respects as if the capital represented by the new ordinary shares were part of the now existing ordinary capital of the Company of the same class or description and the new ordinary shares were shares in that capital.

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New ordinary shares to be subject to same incidents as existing shares.

7.—(1) The Company may provide that any preference shares created under the powers of this Act shall be entitled to a cumulative preferential dividend not exceeding the rate of eight pounds per centum per annum and that if the profits of any year are not sufficient to pay such dividend the deficiency shall be made good out of any funds of the Company which may be available for that purpose or out of the profits of any subsequent year.

Dividends &c. on preference shares.

(2) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right of repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company.

(3) The Company may on such terms and conditions as they think fit form and maintain special sinking contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any deficiency or arrears of dividend thereon and may provide for yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for

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(4) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificates of such shares.

Additional capital to form part of capital of Company.

8. The additional capital authorised by this Act shall form part of the capital of the Company.

Calls.

9. In respect of any capital issued after the passing of this Act (whether under the powers of this Act or of the Acts of 1901 to 1906) the directors may make such calls upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them of such amounts and at such times as the directors may think fit.

Power to borrow in respect of authorised and additional capital.

10.—(1) The directors may without any further or other authority than is given by this section in respect of the capital already raised or created by the issue of shares under the Acts of 1901 to 1906 raise at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any one or more of those modes any sum or sums not exceeding in the whole (inclusive of the sum of thirty-six thousand seven hundred and eighty-five pounds raised up to the thirty-first day of December one thousand nine hundred and twenty-eight) the sum of eight hundred and fourteen thousand pounds.

(2) The Company may also in respect of the capital authorised by the Acts of 1901 to 1906 and not already raised by the issue of shares and of the additional capital authorised by this Act raise at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any one or more of those modes any sum or sums not exceeding one-half of the nominal amount of such capital for the time being raised and upon which not less than one-half part thereof has been paid up but no sum shall be borrowed or raised in respect of any such capital until the Company have proved to the justice before he gives his certificate under the fortieth section of the Companies Clauses Consolidation

Act 1845 that not less than one-half of the amount of each of the shares in respect of which the Company propose to borrow or raise money has been paid on account thereof and that such shares were issued bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company or of 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. A.D. 1929.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages 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 ten thousand pounds in the whole. Appointment of receiver.

12. The Company may create and issue debentures or debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 and of section 23 (Debenture stock) of the Act of 1901. Debentures and debenture stock.

13.—(1) The Company may issue as redeemable preference shares or redeemable debentures or debenture stock any preference shares or debentures or debenture stock which the Company are by the Acts of 1901 to 1906 and this Act authorised to create and issue provided that the resolution authorising the creation or issue of such redeemable preference shares debentures or debenture stock (hereinafter in this section referred to as "redeemable shares or stock") shall specify the terms and conditions on which such redeemable shares or stock shall be redeemed. Redeemable securities.

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

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

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(b) redeem the redeemable shares or stock or any part thereof either by paying off the same or by issuing to any shareholder debenture holder or debenture stock holder subject to his consent other shares stock or securities in substitution therefor and may for the purpose of providing money for paying off the redeemable shares or stock or of providing substituted shares stock or securities create and issue new shares stock or securities (either redeemable or irredeemable) or re-issue redeemable shares or stock originally created and issued under this section Provided that the creation and issue for the purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are by the Acts of 1901 to 1906 and this Act for the time being authorised to raise save so far as such creation and issue is for the purpose of paying off redeemable shares or stock issued under the provisions of this section or of providing shares stock or securities substituted therefor under this section.

(3) All redeemable shares or stock created and issued in exercise of the powers of this section shall (except as may be otherwise expressly provided by the resolution creating the same) be issued subject to the condition that the Company may under the powers conferred or to be conferred by this Act and by any subsequent Act create and issue further amounts of redeemable shares or stock ranking *pari passu* therewith as regards principal as well as interest.

Company
may incur
temporary
loans.

14.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising moneys conferred by this section shall be in addition to any powers for the time being of the Company to borrow on debenture or mortgage of the undertaking or to raise moneys by the issue

of debenture stock Provided that the aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed five hundred thousand pounds: A.D. 1929.
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15. If any money is payable to a shareholder or stockholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

16. Notwithstanding anything in the Companies Clauses Acts 1845 to 1889 the Company may in issuing any unissued portion of the capital or any securities authorised by the Acts of 1901 to 1906 and this Act dispose of all or any of the shares representing such capital or such 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 disposal of shares &c.

17. The Company on any offer of shares stock debentures or debenture stock or other securities which the Company are or may at any time be authorised to issue may pay a commission not exceeding seven and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for such shares stock debentures debenture stock or securities or procuring or agreeing to procure subscriptions therefor whether absolute or conditional if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are disclosed in the prospectus advertisement or other document of the Company inviting subscriptions or offers for such shares stock debentures debenture stock or securities Nothing in this section shall affect any power of the Company to pay brokerage. Power to pay commissions.

18. Where any preference or ordinary share of the Company has been or shall be issued (whether under the powers of the Acts of 1901 to 1906 or of this Act or of any subsequent Act) at a price (in this section referred to as "the price of issue") greater or less than the nominal amount of such share the amount actually paid up on such share or the amount called up and paid on such share shall for the purpose of determining the amount of any dividend payable on such share and of determining As to shares issued at a premium or discount.

A.D. 1929. the amount of preference shares which may be issued be deemed to be—

- (a) when the whole of the price of issue has been paid the nominal amount of such share; and
- (b) when the whole of the price of issue has not been paid an amount bearing to the nominal amount of such share the same proportion as the amount or the aggregate of the amounts for the time being actually paid thereon bears to the price of issue.

Indemnity may be required before issue of substituted certificates &c.

19. Notwithstanding anything contained in section 13 of the Companies Clauses Consolidation Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage bond or a new certificate of any shares or debenture stock or a new warrant for any dividend or interest in lieu of any debenture bond certificate or warrant lost or destroyed or alleged to be lost or destroyed until they have received from the person to whom such new debenture bond certificate or warrant is to be issued such indemnity as the directors may require against any and every claim or expense which may be made against the Company or which the Company may incur in respect of such lost or destroyed debenture bond certificate or warrant or the debenture mortgage shares debenture stock dividend or interest represented thereby.

Increase of capital by Special Order.

20. The capital and borrowing powers of the Company authorised by the Acts of 1901 to 1906 and this Act may from time to time be increased by a Special Order made by the Electricity Commissioners and confirmed by the Minister of Transport in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1928 and the Company are hereby authorised to make application for and the Electricity Commissioners and the Minister of Transport are hereby respectively empowered to make and confirm such Special Orders Provided that a Special Order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modification by a resolution passed by each such House.

21.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the Company and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

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Purchase and cancellation of Company's securities.

(2) Any debentures or debenture stock purchased under the provisions of this section may at any time be cancelled and extinguished and the amount of any debentures or debenture stock so cancelled or extinguished shall be deemed to be money borrowed and paid off by the Company within the meaning of section 39 of the Companies Clauses Consolidation Act 1845 and the provisions of that section as to re-borrowing by the Company shall apply accordingly.

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

Annual meeting of Company.

23. Any meeting of the Company whether ordinary or extraordinary may be convened by notice delivered at or sent by post to the registered address or other known address of each proprietor of the Company Provided that the notice if delivered shall be delivered at such address as aforesaid not less than six clear days or if sent by post shall be prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been sent by post 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.

Notice of meetings.

24.—(1) At all general meetings of the Company whether ordinary or extraordinary every holder of ordinary shares shall on a show of hands be entitled to one vote and on a poll to one vote in respect of each one pound ordinary share held by him Provided that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid.

Voting.

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

25. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director by reason of his holding

As to qualification of directors.

A.D. 1929. — 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 in the case of his being or becoming 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 agreed upon 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 such 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.

Notice of candidature for office of director.

26. 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 a general 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 office of the Company fourteen days at least before the day of election.

Committee of directors.

27. 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 purpose of passing transfers and sealing certificates of any shares stock or other securities of the Company and of executing any minor powers exerciseable by the directors.

Interim dividends and annual accounts.

28. 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 declare and 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 the balance sheet and accounts made up by them 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 preceding year. A.D. 1929.
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29.—(1) The directors may close the register of transfers of shares for a period not exceeding fourteen days previous to the payment of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in a newspaper published in the county of London. Closing of transfer books.

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

30. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be necessary to authenticate the register of the shareholders or stockholders of the Company by affixing the common seal of the Company to such register. As to shareholders' register.

31. Notwithstanding anything in any Act relating to the Company any contract or agreement required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors. As to contracts.

32. 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 of the Company. Remuneration of secretary and auditors.

33.—(1) The Company shall annually appoint one person or two persons or a firm of accountants to be the auditor or auditors of the Company and such person or Auditors.

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A.D. 1929. persons or the members of such firm 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 Minister of Transport.

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

Power to grant pensions &c.

34.—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee 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 may if they think fit establish and maintain a fund for that purpose.

(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 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 set aside and accumulate the funds and revenues of the Company.

(3) In this section the word "employee" includes any officer workman or servant.

Confirmation of purchase of lands.

35. The purchase by the Company of the lands described in the First Schedule to this Act is hereby confirmed.

Maintenance and use of generating station.

36. The Company may upon the lands described in the First Schedule to this Act maintain carry on work and use and from time to time extend alter and renew the generating station and works of the Company situate upon the said lands and they may on such lands exercise in relation to the said station and works the powers conferred by the Act of 1901 in relation to the generating stations and works by that Act authorised and the powers conferred by the Electricity (Supply) Acts 1882 to 1928 :

Provided that nothing in this section shall relieve the Company from the necessity for obtaining any necessary consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919.

37.—(1) The Company may abstract water from the river Derwent and may utilize the same for condensing and other purposes of the generating station situate upon the lands described in the First Schedule to this Act :

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Power to abstract water.

Provided that all water so abstracted except that unavoidably lost by evaporation shall be returned to the river above Borrowash Weir in such a condition as not to cause injury to fish.

(2) Nothing in this section or in the section of this Act of which the marginal note is "Maintenance and use of generating station" shall authorise the Company to abstract water from or return water to the river Derwent in any manner contrary to or inconsistent with the provisions of the deed set forth in the Second Schedule to this Act or in any manner prejudice diminish alter or take away any of the rights privileges powers or authorities vested in or enjoyed by Charles Joseph Leicester Earl of Harrington or his heirs or successors in estate or any person in trust for him or them as owner or owners of Borrowash Mill and the weirs and sluices referred to in the said deed or as riparian owner or owners upon the river except so far as may be provided by the said deed.

38. The deed made the twelfth day of April one thousand nine hundred and twenty-seven and the agreement made the twenty-ninth day of November one thousand nine hundred and twenty-eight between the Right Honourable Dudley Henry Eden ninth Earl of Harrington of the first part the Right Honourable Charles Joseph Leicester Stanhope commonly called Lord Petersham and Geoffrey Hugh Walford of the second part and the Company of the third part set forth in the Second Schedule to this Act are hereby confirmed and made binding on the parties thereto and may be carried into effect by the parties to such deed and agreement subject to such modifications (if any) as may be agreed in writing between the said parties of the first and second parts or their successors and the Company or their successors and assigns :

Confirma-
tion of
agreements
with
Earl of
Harrington
and others.

Provided that nothing in this section or in the said deed or any modification thereof shall enable the Company to construct any works or exercise any powers in upon over or affecting the river Derwent other than

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Lands by agreement.

39. In addition to the other lands which the Company are by the Acts of 1901 to 1906 and this Act authorised to purchase and acquire the Company may for the general purposes of the undertaking purchase or take on lease (by agreement but not otherwise) and hold any lands and hereditaments not exceeding (except with the consent of the Electricity Commissioners which consent such commissioners are hereby authorised to give) two hundred acres which the Company may from time to time require for the purposes of their works and undertaking but the Company shall not create or permit a nuisance on any such lands.

Persons under disability may grant easements &c.

40. 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 the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Dwelling-houses for employees offices &c.

41. The Company may erect and maintain upon the 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 officers and servants and offices and other buildings in connection with or for the purposes of the undertaking.

Power to retain sell &c. lands.

42. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Company may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any

interest therein acquired at any time or provided by them and may sell exchange or dispose of any rents reserved therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1929.

43. Subject in every respect to the provisions of the Acts of 1901 to 1906 and this Act it shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any other materials matters or things used by them in or resulting from the process of generating or transforming or distributing electricity to or from any generating station or works for the time being belonging to or leased to or worked by the Company and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes but nothing contained in this section shall authorise the Company to supply water to other persons : Power to lay down pipes.

Provided that nothing in this section shall authorise the Company to break up any road or street for the purpose of laying down altering removing or (except in cases of emergency) repairing pipes for the purposes aforesaid without the consent of the road authority in whose district the road or street is situate which consent shall not be unreasonably withheld.

44. Notwithstanding anything contained in this Act the following provisions shall unless otherwise agreed between the Company and the lord mayor aldermen and citizens of the city of Nottingham and county of the same city (hereinafter called "the corporation") apply and have effect (that is to say) :— For protection of Nottingham Corporation.

(1) The Company shall not exercise the powers of the section of this Act of which the marginal note is "Power to lay down pipes" in the city of Nottingham without the consent in writing of the corporation :

(2) The provisions of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the laying down and the alteration

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of any pipe which the Company are under the said section of this Act authorised to lay in any road which is situate outside the said city and in which road any water gas or electric aqueducts mains pipes cables wires or apparatus of the corporation are laid.

Agreements with railway companies for works.

45. The Company on the one hand and any railway company whose railway or any part thereof is situate within the area of supply on the other hand may enter into and carry into effect agreements for and in relation to the construction laying down alteration maintenance repair and use of works and electric lines for the purposes of the Acts of 1901 to 1906 and this Act upon across or affecting railways bridges or other property of any such railway company :

Provided that subsections (4) and (5) of section 22 of the Electricity (Supply) Act 1919 shall so far as applicable extend and apply to the execution of any works under this section or any agreement made thereunder.

Supply in bulk.

46. The Company may with the consent in each case of the Electricity Commissioners enter into and carry into effect agreements and arrangements with any authorised undertakers whose area of supply is outside but contiguous to—

- (a) the area of supply; or
- (b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Acts of 1901 to 1906 and this Act or authorised by a Provisional Order or Special Order granted to the Company; or
- (c) the area of supply for the purposes of any undertaking which is for the time being managed by the Company;

for and with respect to the supply of electricity in bulk by the Company to such authorised undertakers Provided that nothing in this section shall—

- (i) confer upon the Company any powers of breaking up any streets or roads except such as the Company are or may be authorised to break up; or
- (ii) enable the Company to supply electricity to any authorised undertakers whose area of supply

is within or partly within the area of supply of any joint electricity authority or power company (as defined by the Electricity (Supply) Act 1919) except with the consent of that authority or company. A.D. 1929.

47.—(1) The Company may by agreement (but not otherwise) acquire from any authorised undertakers to whom a Provisional Order or Special Order under the Electricity (Supply) Acts 1882 to 1928 or any of those Acts shall have been or may be granted relating to an area wholly within or partly within and partly without or adjoining—

- (a) The area of supply; or
- (b) The area of supply in relation to any undertaking transferred to the Company under the powers of the Acts of 1901 to 1906 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

the undertaking authorised by the Order and the powers rights authorities and privileges of such authorised undertakers under the Order and the authorised undertakers under any such Order which shall have been made and confirmed prior to the year one thousand nine hundred and thirty may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners (which approval the Commissioners are hereby authorised to give) transfer their undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and upon such terms and conditions as may be specified in the deed.

(2) In the event of the Company acquiring the undertaking authorised by any such Order and the powers rights authorities and privileges of the authorised undertakers thereunder the Company shall subject to such exceptions and modifications (if any) as aforesaid be deemed to be the authorised undertakers for all the purposes of the Order and shall be allowed to charge for electricity supplied under the Order such prices as may be prescribed by or under the Order.

(3) The powers conferred by this section may be exercised in respect of a part only of any such undertaking or part only of any such powers rights authorities and privileges as aforesaid.

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A.D. 1929.

(4) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by the authority in manner provided by subsection (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

(5) In the event of the undertaking authorised by any such Order being acquired by the Company under this section the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 shall subject to any modification of those Acts made by any such Order apply to that undertaking and whether the authorised undertakers are a local authority or not the said undertaking shall be deemed to be within the provisions of section 2 of the Electric Lighting Act 1888. Provided that—

(a) the periods at which a local authority may under the provisions of the said section or under any deed of transfer re-purchase or purchase such undertaking or so much thereof as is within their jurisdiction shall be reckoned from the date of the acquisition thereof by the Company; and

(b) none of the provisions of any Order authorising any undertaking so acquired by the Company or of the Electricity (Supply) Acts 1882 to 1928 shall extend to authorise the purchase or re-purchase by any local authority of any generating station or other works of the Company which are not exclusively used or required for the purposes of supplying electricity under the Order within the area of supply as defined by the Order.

(6) References in this section to a Provisional Order or a Special Order shall be deemed to include references to any Act or Acts of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

Acquisition of generating stations &c.

48.—(1) The Company may by agreement purchase take on lease or otherwise acquire work use maintain alter and improve any generating station or substation and the works connected therewith or incidental thereto belonging to any local authority company body or person and situate in any district or place within or partly within and partly without or adjoining the area of supply and

any such local authority company body or person may sell lease or transfer any such generating station substation and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Company on such terms as may be agreed. A.D. 1929.

(2) If the Company so acquire any such generating station substation or works powers rights authorities and privileges they may for the purpose of carrying on maintaining and working any such generating station substation or works so transferred to them and of connecting the same with the area of supply exercise all the powers rights authorities and privileges so transferred to them and any generating station substation or works transferred to the Company under this section or any works executed by them under any powers so transferred to them shall be deemed to form part of the undertaking and the Company may sell or otherwise dispose of or discontinue the use of any such generating station substation or works or any part thereof.

(3) Nothing in this section shall exonerate the Company from any indictment action or other proceeding for nuisance if any nuisance is caused or permitted by the Company on any land on which any such generating station or substation is situated and for which nuisance any such undertakers as aforesaid would have been liable if caused by them.

(4) Nothing in this section shall authorise the Company except with the consent of the Electricity Commissioners to acquire any powers rights and privileges of any authorised undertakers with respect to the supply of electricity or to purchase or take on lease (other than a lease for a term ending before the expiration of seven years from the passing of this Act) any generating station or main transmission line belonging to any authorised undertakers.

(5) If any generating station acquired by the Company under the provisions of this section is or shall become a selected station for the purposes of a scheme under the Electricity (Supply) Act 1926 then in construing section 13 of that Act such station shall be deemed to be an existing generating station only to the extent to which the Company are supplied by the Central Electricity Board for the purposes of the undertaking of which the station formed part immediately before the date of its acquisition by the Company.

A.D. 1929.

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Consideration for transfer.

49. The consideration payable by the Company in respect of the transfer to them of any undertaking or any generating station substation works powers authorities and privileges or part thereof may if the authorised undertakers company body or person transferring the same and the Company so agree be discharged wholly or in part by the allotment to such authorised undertakers company body or person of fully paid up shares or stock of the Company or of debentures or debenture stock and all shares or stock issued for the purposes of this section shall for all purposes be deemed to be fully paid up and any such authorised undertakers company body or person may accept hold and dispose of such shares stock debentures or debenture stock.

Compensation for deprivation of employment.

50. The provisions of section 16 of the Electricity (Supply) Act 1919 as modified and set forth in the Fourth Schedule to the Electricity (Supply) Act 1926 and as amended by the Electricity (Supply) Act 1928 shall extend and apply in the case of the acquisition by the Company of the undertaking of any authorised undertakers or any part of such undertaking under any agreement which may be entered into under the provisions of this Act as if such acquisition were the acquisition of a generating station under or in consequence of the said Act of 1926.

Management of generating stations by former owner.

51. Where any generating station has been leased to or acquired by the Company the Company may with the approval of the Electricity Commissioners agree with the owner or former owner thereof that such owner shall manage and maintain such station or any part thereof for such period and on such terms as may be agreed upon between them.

Agreements for management of generating stations &c.

52.—(1) The Company and any authorised undertakers authorised to supply electricity in any area of supply in or adjacent to—

(a) the area of supply; or

(b) the area of supply in relation to any undertaking transferred to the Company under the powers of the Acts of 1901 to 1906 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

may with the approval of the Electricity Commissioners

enter into and carry into effect agreements or arrangements with regard to all or any of the following purposes (that is to say) :—

A.D. 1929.

(i) The use management or maintenance by the Company of any generating station or main transmission line or other work of such authorised undertakers;

(ii) The provision of capital required for carrying any such agreement or arrangement into effect and the appropriation and division of receipts arising under any such agreement or arrangement;

(iii) Any matters or things incidental to or connected with any of the purposes aforesaid.

(2) The provisions of subsections (2) and (3) of section 19 of the Electricity (Supply) Act 1919 shall extend and apply to any agreement or arrangement made under this section.

53.—(1) Section 3 (As to Provisional Orders) of the Act of 1904 shall be read and have effect as if the words “Provisional Orders under the Electric Lighting Acts 1882 and 1888” included Special Orders or other Orders under the Electricity (Supply) Acts 1882 to 1928 or under any Act extending or amending those Acts or any of them.

As to
Special and
other
Orders.

(2) The provisions of the proviso (b) to subsection (5) of the section of this Act whereof the marginal note is “Transfer of undertakings to Company” shall extend to any Provisional Order or Special Order or other Order obtained by the Company in relation to any area situate within the area of supply.

54. Section 19 (Subscription of shares in or loans to other companies and payment of commission) of the Act of 1906 shall be read and have effect as if the words “two hundred thousand pounds” had been inserted therein instead of the words “seventy-five thousand pounds.”

Amending
section 19
of Act of
1906.

55.—(1) For the purpose of supplying electricity to any premises within—

(a) the area of supply; or

(b) the area of supply in relation to any undertaking transferred to the Company under the

Power to
lay electric
mains in
private
streets.

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A.D. 1929.

powers of the Acts of 1901 to 1906 and this Act or authorised by a Provisional Order or Special Order granted to the Company;

(being a supply which the Company are by the Acts of 1901 to 1906 or by virtue of this Act authorised to give) the Company may lay down take up alter relay or renew in across or along any street not repairable by the inhabitants at large such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1928 and such of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as are incorporated with the Act of 1901 so far as applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes of this section as if all such streets had been specified in this Act:

Provided that a local authority shall for the purposes of this section be deemed to be (in addition to any other person) persons having the control or management of any street to which this section applies and which is situate within the area of that authority.

(2) The Company shall not exercise their powers under this section with respect to any street or road belonging to a railway company or forming the approach to any station or depôt of such railway company except with the consent of such railway company which consent shall not be unreasonably withheld and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

Entry upon premises.

56.—(1) Any person who shall hinder an officer appointed by the Company from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings) of the Electric Lighting Act 1882 or of that section as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in those sections shall be liable to a penalty not exceeding forty shillings.

(2) Where any premises which the Company or their officers are entitled to enter in pursuance of the said sections or either of them are unoccupied the

Company or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he or his address is unknown to the Company and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

A.D. 1929.

57.—(1) The Company may provide sell let for hire or dispose of on terms of payment by instalments and fix repair maintain and remove electric lines fittings lamps and standards apparatus or appliances for lighting (whether for public lighting or otherwise) heating and motive power and for all other purposes for which electricity can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed. Provided that nothing in this section shall authorise the Company to manufacture any such electric lines fittings apparatus or appliances.

Power to deal in apparatus.

(2) The Company may provide and carry on shops or showrooms for the exhibition or sale of any fittings apparatus or appliances referred to in this section.

(3) Any electric lines fittings apparatus and appliances laid down erected or installed by or on behalf of the Company on consumers' premises and any lands buildings or works owned or occupied by the Company in connection therewith shall be deemed to form part of the undertaking.

(4) Sections 24 and 25 of the Electric Lighting Act 1882 and section 16 of the Electric Lighting Act 1909 shall apply to all articles and things let for hire or supplied by the Company or disposed of on terms of payment by instalments under the provisions of this section.

58. The Company may use for the purposes of any undertaking belonging to them and authorised by Act of Parliament or Provisional Special or other Order made under the Electricity (Supply) Acts 1882 to 1928 or any of them any mains wires works or apparatus laid down or provided by the Company for the purpose of any other undertaking so authorised and belonging to them.

Use of works and apparatus.

A.D. 1929.

Use of
trans-
formers.

59. Where a 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 such 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 such transformer was originally provided.

Supply of
electricity
by agree-
ment.

60. 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 the provisions of that section are expressly excluded from application in the agreement and if the Company fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company.

For pre-
vention of
improper
use.

61. 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 such agreement the Company may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be used in accordance with the terms of such agreement :

Provided that before discontinuing any such supply the Company shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify in what respect the electricity is used contrary to the terms of such agreement.

Power to
refuse to
supply
electricity
in certain
cases.

62. 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.

63.—(1) A notice to the Company from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Company. A.D. 1929.
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Notice to discontinue supply of electricity.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

64. The Company may acquire and hold patent and other rights in relation to the generation transmission and use of electricity for the purposes of the Acts of 1901 to 1906 and this Act. Power to hold patent rights.

65. 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 Acts of 1901 to 1906 or this Act and any funds under the control of the directors. Power to apply funds.

66. All moneys raised by the Company under this Act shall be applied to the general purposes of the Company to which capital is properly applicable. Application of moneys.

67. If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any works or apparatus used by the Company for or in connection with the supply of electricity 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.

68. Save as otherwise by the Acts of 1901 to 1906 and this Act expressly provided all offences against the Acts of 1901 to 1906 and this Act and all penalties forfeitures costs and expenses imposed or recoverable under the Acts of 1901 to 1906 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 of penalties &c.

69. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator agreed on Arbitration.

A.D. 1929. — between the parties or failing agreement appointed by the Minister of Transport on the application of either party after notice to the other.

Works below high-water mark not to be constructed without consent of Board of Trade.

70. The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Abatement of work abandoned or decayed.

71.—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right

of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section. A.D. 1929.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

72. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. Crown rights.

73. The following provisions of the Acts of 1901 to 1906 are hereby repealed (namely):— Repeal.

The Act of 1901—

- Section 10 (Calls);
- 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);

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Section 21 (Power to borrow);

Section 22 (For appointment of a receiver).

The Act of 1904—

Section 2 (Transfer of undertakings of local authorities and others to Company);

Section 5 (As to borrowing powers of Company);

Section 7 (As to qualification of directors);

Section 9 (Notice of candidature for office of director);

Section 11 (Alteration of notice of meetings).

The Act of 1906—

Section 22 (Power to lay electric lines above ground);

Section 25 (As to Provisional Orders obtained by Company).

Costs of Act.

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

The SCHEDULES referred to in the
foregoing Act.

A.D. 1929.

FIRST SCHEDULE.

Certain lands adjoining the river Derwent containing 20 acres or thereabouts situate in the parish and borough of Derby belonging or reputed to belong to the Company on which lands the existing generating station of the Company known as the Spondon generating station is situate comprising the enclosure numbered 722 and parts of the enclosures numbered 721 723 724 725 726 727 728 and 735 on the $\frac{1}{2500}$ Ordnance map Derbyshire edition 1914 sheets Nos. L. 15 and LV. 3.

SECOND SCHEDULE.

This DEED is made this twelfth day of April one thousand nine hundred and twenty-seven between the RIGHT HONOURABLE DUDLEY HENRY EDEN 9TH EARL OF HARRINGTON (hereinafter referred to as "the Earl") of the first part the RIGHT HONOURABLE CHARLES JOSEPH LEICESTER STANHOPE commonly called Lord Petersham and GEOFFREY HUGH WALFORD of 27 Bolton Street in the county of London esquire (who are together hereinafter referred to as "the Trustees") of the second part and THE DERBYSHIRE AND NOTTINGHAMSHIRE ELECTRIC POWER COMPANY (hereinafter referred to as "the Company") of the third part.

WHEREAS under a settlement made by the will dated the nineteenth day of July one thousand eight hundred and seventy of the Right Honourable Charles Wyndham Seventh Earl of Harrington and divers codicils thereto a disentailing deed dated the eighth day of March one thousand nine hundred and seventeen and made between the said Charles Joseph Leicester Stanhope Lord Petersham (hereinafter called "Lord Petersham") of the first part the Earl of the second part and Hugh Selwyn Walford of the third part a deed of appointment and settlement dated the ninth day of March one thousand nine hundred and seventeen and made between the Earl of the first part Lord Petersham of the second part and the Trustees of the third part and a vesting deed dated the first day of May one thousand nine hundred and twenty-six and made between the Earl of the first part Lord

A.D. 1929. Petersham of the second part and the Trustees of the third part the Earl is the tenant for life in possession of certain lands buildings and premises known as Borrowash Mill the buildings of which are indicated on the plan hereto as being within the green circle (hereinafter referred to as "the Earl's premises") which form part of his Derby settled estates being situate on the banks of a mill stream part of the river Derwent in the county of Derby and of weirs on the said river and mill stream coloured brown and marked "A" on the said plan with the sluices in one or more of such weirs and used in connection with the said mill and is entitled as such tenant for life to the bed of the said river and of the said mill stream together with the right of controlling the level of the water in the part of the said river adjoining the Earl's premises and the rest of his estate and claims to be entitled to the like right of controlling the natural flow of the said river past (amongst other lands) the Company's premises :

And whereas the trustees are the present trustees of the said settlement for the purposes of the Settled Land Act 1925 :

And whereas the Company are the owners of certain lands and the buildings on part thereof used as an electric power station (herein referred to as "the Company's premises") and situate on the banks of the said river at a point up stream of the Earl's premises as indicated on the plan hereto by the colour pink :

And whereas the Company for the purpose of securing as far as possible the supply of water for their said power station are desirous of acquiring the easements hereinafter granted and obtaining control of the said weirs coloured brown and marked "A" on the said plan and so far as may be necessary for such purpose of the sluices at the said mill (all which are hereinafter referred to as "the weirs and sluices") :

And whereas the Company's control of the weirs and sluices might prevent or hinder the working of the existing water turbines and other works and purposes for which water is required on the Earl's premises :

And whereas the Earl in exercise of the power in this behalf given to a tenant for life by the Settled Land Act 1925 has agreed to grant to the Company such easements as are hereinafter granted for the purpose of securing the supply of water to the Company's premises for the consideration upon the terms and subject to the conditions hereinafter contained :

Now this deed witnesseth :—

1. In pursuance of the said agreement and in consideration of the sum of four thousand pounds paid by the Company to the Trustees by the direction of the Earl upon or before the execution of these presents (the receipt of which the Trustees hereby acknowledge) and of the terms and conditions hereinafter contained the Earl in exercise of the power in this behalf by the said Act

vested in him as trustee and estate owner hereby grants unto the Company the right or easement in the events hereinafter specified and not further or otherwise of constructing and maintaining on the banks and in the bed of the river and of the said mill stream such erections and works as hereinafter mentioned and the right or easement of controlling and managing the weirs and sluices and the right or easement for that purpose of reasonable access to the weirs and sluices at all times Provided that—

A.D. 1929.
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- (i) such easements shall be exercised by the Company only during the period hereinafter mentioned and subject as hereinafter mentioned and as to the construction and maintenance of erections and works only in the events hereinafter specified in reference thereto;
- (ii) the weirs and sluices shall remain the property of the Earl who shall be responsible for their ordinary maintenance and the repair of ordinary wear and tear but as between the parties hereto the Earl shall be under no obligation to reinstate the same if the weirs and sluices or any of them shall be destroyed or injured by or as the result of any storm tempest or flood or any other exceptional event But the Company may make good any such destruction or injury as last aforesaid;
- (iii) in times of storm or flood the Company shall allow the occupier of the Earl's premises or other agents of the Earl to open and keep open the said sluices or some of them and to such an extent and for so long only as may be necessary with a view to preventing or diminishing the flooding of any property belonging to the Earl including the Earl's premises At other times the opening and operation of the said sluices with a view to controlling the volume of water in the river shall be under the control of the Company;
- (iv) if at any time while operating the sluices or otherwise it shall be found that any repair is necessary immediate notice thereof shall be given by the party finding the same to the Earl's estate agent at the estate office Elvaston Castle or to the Company at Spondon power station as the case may be The Earl or the Company may at any time give notice to the other of them of an intended inspection of all or any of the weirs and sluices for the purpose of verifying their condition If any repair is found necessary which would involve lowering of the level of the river materially the Company shall have a reasonable time to erect a coffer dam or such other works as may be necessary in order to allow of such necessary repairs being carried out without materially lowering the level of the river and such repairs shall be commenced and completed with all reasonable diligence

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Such coffer dam and other works shall if required by the Earl be properly removed by the Company when no longer necessary.

2. If at any time it becomes reasonably necessary for the purpose of carrying out inspection or structural repairs to any weirs and/or sluices or to any tunnel or building on the Earl's premises to lower the level of the water in the part of the said river adjoining thereto the sluices at any weir shall not be opened except by agreement with the Company but the Company on receipt of reasonable notice to that effect from the Earl or any lessee tenant or occupier of the Earl's premises shall (at the Company's option) either allow the Earl or such lessee tenant or occupier as aforesaid to open and keep open the said sluices for such reasonable time as may be necessary to carry out such inspections or repairs or may at their own expense previous to the carrying out of such inspections or repairs construct and during the carrying out of such repairs maintain a temporary coffer dam or construct subject to the Earl's approval (which approval shall not be unreasonably withheld) such other works of a temporary character as may be required to allow of access being obtained to enable the said inspections or repairs to be satisfactorily carried out by the Earl or such lessee tenant or occupier.

3. The Company having at their own expense supplied and fixed on the Earl's premises a motor installation capable of being used in conjunction with the existing water power or independently thereof and of being worked by the electrical energy supplied as hereinafter provided and with a capacity of one hundred and forty-nine horse power the said motor installation is and shall become the property of the Earl. And it is expressly agreed that the motor installation shall not prevent the mill at any time reverting to water power. Provided always that the using of the water power shall not at any time reduce or lower the level of the water in the river below such level as may be necessary for the purposes of the Company.

4. The Company have at their own expense supplied and fixed and shall hereafter maintain all mains cables and other apparatus necessary for providing the said motor installation with electrical energy from the works of the Company and subject to the provisions hereof shall hereafter at all times supply the occupier for the time being of the Earl's premises with such an amount of electrical energy as hereinafter provided for use on or in connection with the Earl's premises and the motor installation thereon.

5. The said electrical energy shall be supplied by the Company free of charge up to the present capacity of the turbines which is agreed to be sixteen thousand five hundred units of electricity per month at a maximum demand not exceeding one

hundred and six kilowatts and in respect of any amount in excess thereof not exceeding without the consent in writing of the Company an additional one hundred kilowatts at the standard rates of the Company for the time being to other consumers taking a supply of electrical energy for power All electrical energy so supplied by the Company shall be used only in and for the purposes of the said mill and in a proper manner and shall not be sold or distributed by the Earl or such occupier to any other person or persons. A.D. 1929.

6. (a) If the Company shall at any time fail or refuse to supply the said electrical energy as herein provided and such failure or refusal is not due to the occupier's neglect or refusal to pay to the Company any sums due for electrical energy previously supplied to such occupier under the terms of these presents or to causes beyond the Company's control these presents and the right of the Company to control and manage the weirs and sluices shall cease and determine and the control of the weirs and sluices shall revert to the Earl and the easements granted by these presents shall absolutely cease and determine but without prejudice to anything duly done hereunder prior to the date of such determination And in such event the Trustees are to retain the whole of the said consideration or sum of four thousand pounds paid to them as hereinbefore mentioned.

(b) If at any time the Company owing to causes beyond their control are not able during a period of thirty consecutive days to supply the electrical energy as herein provided the right to control and manage the weirs and sluices shall revert to the Earl until such date as the Company again commence to supply the said amount of electrical energy as herein provided.

7. Any question difference or dispute between the parties hereto touching the construction or effect of this deed or any matter or thing arising thereon shall be determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to such arbitration.

8. Nothing herein contained shall in anywise be deemed to be an admission by the Company of the right of the Earl to control the natural flow of the river Derwent past the Company's premises.

9. The Earl who retains possession of the deeds hereinbefore mentioned hereby acknowledges the right of the Company to production and delivery of copies thereof.

10. The Company shall have the right at their own expense to apply to Parliament for confirmation of these presents and in such case the Earl and the occupier of the Earl's premises shall if so required by the Company and at the expense of the Company assent to such confirmation being granted.

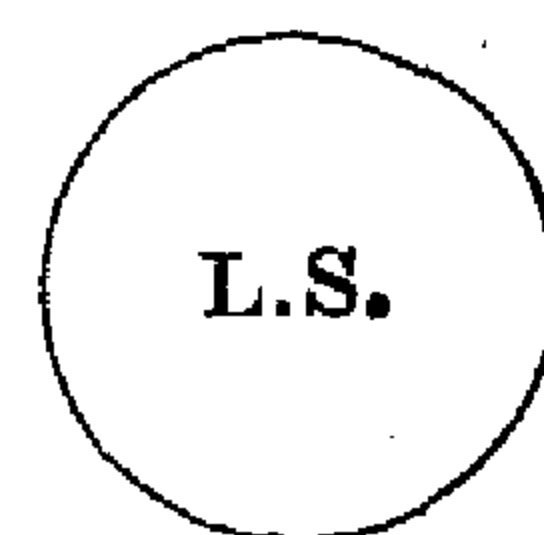
[Ch. lxxxvi.] *Derbyshire and Nottinghamshire Electric Power Act, 1929.* [19 & 20 GEO. 5.]

A.D. 1929.

11. Unless such an interpretation is inconsistent with the context the expression "the Earl" hereinbefore used shall include his successors in title and the expression "the Company" shall include their successors and assigns.

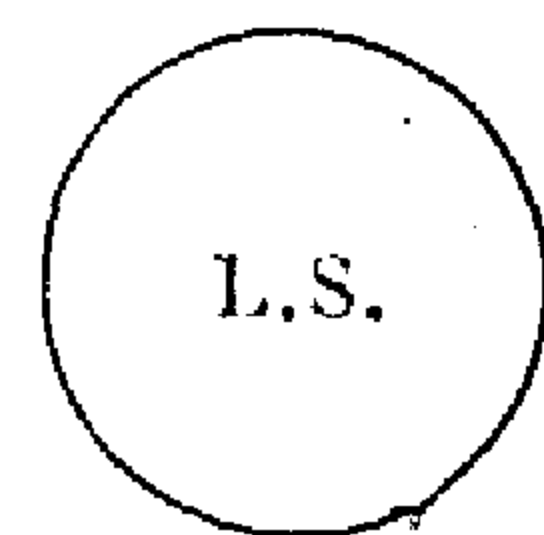
In Witness whereof the Earl and the Trustees have hereunto set their hands and seals and the Company have caused their common seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered
by the above-named Dudley
Henry Eden 9th Earl of
Harrington in the presence
of } HARRINGTON.



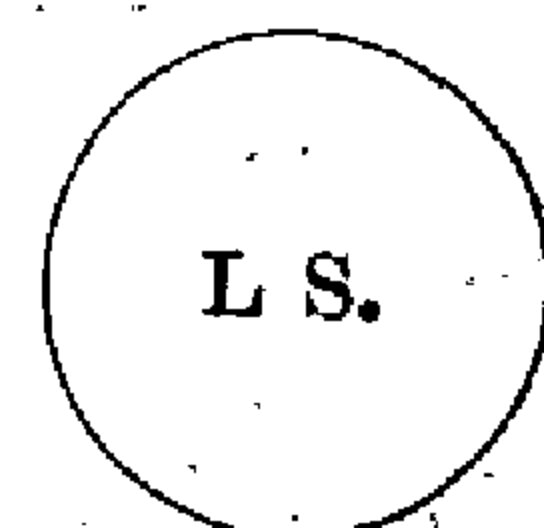
HUGH S. WALFORD
27 Bolton Street W.
Solicitor.

Signed sealed and delivered
by the above-named Charles
Joseph Leicester Viscount
Petersham in the presence
of } PETERSHAM.



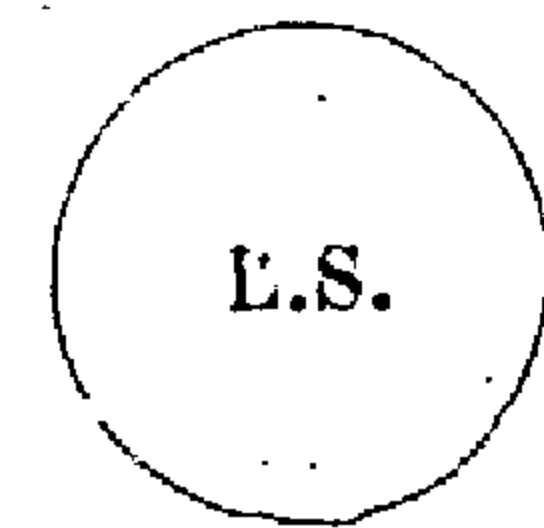
HUGH S. WALFORD
aforesaid.

Signed sealed and delivered
by the above-named Geoffrey
Hugh Walford in the pre-
sence of } GEOFFREY H.
WALFORD.



HUGH S. WALFORD
aforesaid.

The common seal of the
Derbyshire and Nottingham-
shire Electric Power Com-
pany was hereunto affixed
in the presence of }



GEORGE VERITY
A. H. BEATTY } Directors.

WM. C. BRYDEN
Secretary.

AN AGREEMENT made the twenty-ninth day of November A.D. 1929.
one thousand nine hundred and twenty-eight
BETWEEN the within-named the RIGHT HONOUR-
ABLE DUDLEY HENRY EDEN NINTH EARL OF
HARRINGTON (hereinafter referred to as "the Earl")
of the first part the RIGHT HONOURABLE CHARLES
JOSEPH LEICESTER STANHOPE commonly called Lord
Petersham and GEOFFREY HUGH WALFORD of 27
Bolton Street in the county of London esquire
(who are together hereinafter referred to as "the
Trustees") of the second part and the DERBYSHIRE
AND NOTTINGHAMSHIRE ELECTRIC POWER COMPANY
(hereinafter referred to as "the Company") of the
third part (supplemental to the within-written deed).

WHEREAS it was and is the intention of the parties that the
within-written deed should be submitted to Parliament for
confirmation :

It is hereby agreed that the said deed is subject to such
alterations as Parliament may think fit to make therein but in
the event of either House of Parliament making any material
alteration in the said deed it shall be competent to any of the
parties thereto to withdraw from the said deed.

In witness whereof the Earl and the Trustees have hereunto
set their hands and the Company have caused their Common
seal to be hereunto affixed the day and year first above written.

Signed sealed and delivered }
by the above-named Dudley } HARRINGTON. L.S.
Henry Eden Ninth Earl of }
Harrington and the above- }
named Charles Joseph Leicester } PETERSHAM. L.S.
Viscount Petersham in the }
presence of }

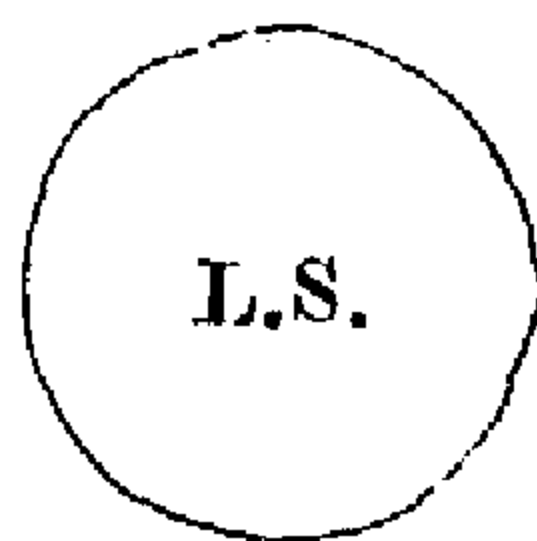
HUGH S. WALFORD,
27 Bolton Street W.

Signed sealed and delivered }
by the above-named Geoffrey } GEOFFREY H. L.S.
Hugh Walford in the presence }
of } WALFORD.

W. M. WINTER,
27 Bolton Street W. 1
Clerk to Messrs. Walfords.

[Ch. lxxxvi.] *Derbyshire and Nottinghamshire Electric Power Act, 1929.* [19 & 20 GEO. 5.]

A.D. 1929. The common seal of the Derbyshire and Nottinghamshire Electric Power Company was hereunto affixed in the presence of



A. H. BEATTY
MORRICE A. EDWARDS } Directors.

WM. C. BRYDEN Secretary.

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