

**CHAPTER cx.**

An Act to extend the period for the completion of certain works authorised by the Lochaber Water Power Act 1921 to extend the area of supply of and confer further powers upon the Lochaber Power Company and for other purposes.

A.D. 1930.

[10th July 1930.]

WHEREAS by the Lochaber Water Power Act 1921 (hereinafter called "the Act of 1921") the Lochaber Power Company (hereinafter called "the Company") were incorporated and authorised to construct generating stations waterworks a pier and other works in the county of Inverness and were subject to and in accordance with the provisions contained in that Act empowered to supply power :

And whereas the share capital of the Company authorised by the Act of 1921 is three million pounds and the Company are by that Act empowered to raise either by borrowing on mortgage or by the creation and issue of debenture stock any sum or sums not exceeding one-half of the share capital for the time being issued by the Company :

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

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And whereas the Company have expended on capital account and incurred capital commitments for the purposes of and in connection with their undertaking approximately three million pounds :

And whereas the Works Nos. 5 5A 5B 5C 5D 5E 5F 5G 5H 5I 5J 5K 5L 5M 5N and 7 and part of the Work No. 6 authorised by the Act of 1921 have been constructed by the Company :

And whereas it is expedient that the Company should be empowered to abandon the Works Nos. 1 3 3A 4 4A 4B and 4C authorised by the Act of 1921 and in lieu of and in substitution for those works to construct and maintain the works authorised by this Act :

And whereas the period limited by the Act of 1921 for the completion of the works authorised by that Act will expire on the twenty-eighth day of July one thousand nine hundred and thirty-one and it is expedient that the period for the completion of the Works Nos. 2 6 8 9 10 11 12 and 12A authorised by the Act of 1921 should be extended as provided by this Act :

And whereas it is expedient that the existing area of supply of the Company should be extended as provided by this Act :

And whereas the Company have with the consent of the Electricity Commissioners erected a station and works for the development of power and the generation of electricity upon a site which has been acquired by the Company and which forms part of the lands described in the schedule to this Act and it is expedient that the Company should be empowered to maintain work and use such station and works and to exercise on such lands the powers conferred by the Act of 1921 in relation to the station and works thereby authorised :

And whereas at the date of the passing of the Act of 1921 it was intended that power and electricity produced and generated by the Company should be supplied by them mainly to the British Aluminium Company Limited for utilisation by that Company within the area of supply of the Company :

And whereas in order to assist with some of the objects and purposes contemplated by the Act of 1921 the British Aluminium Company Limited found it expedient to form a subsidiary company and the North

British Aluminium Company Limited were incorporated in the year one thousand nine hundred and twenty-four and have issued one million shares of one pound each (the whole of which are held by or on behalf of the British Aluminium Company Limited) and two million five hundred thousand pounds four and a half per centum guaranteed debenture stock (guaranteed as to principal and interest by His Majesty's Government under the provisions of the Trade Facilities Acts 1921 to 1924) and it is accordingly expedient that sections 2 and 110 of the Act of 1921 should be amended in manner provided by this Act :

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

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

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

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

1.—(1) This Act may be cited as the Lochaber Water Power Act 1930.

Short and
collective
titles.

(2) The Act of 1921 (as varied by this Act) and this Act may be cited together as the Lochaber Water Power Acts 1921 and 1930.

2. In this Act the several words terms and expressions to which by the Act of 1921 or the Acts wholly or partially incorporated therewith meanings are assigned shall have the same respective meanings unless varied by

Interpreta-
tion.

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this Act or 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 Lochaber Power Company;

“The Act of 1921” means the Lochaber Water Power Act 1921;

“The works authorised by this Act” means the works described or referred to in the section of this Act the marginal note whereof is “Works.”

Abandonment of certain works authorised by Act of 1921.

3. The Company shall abandon the construction of the Works Nos. 1 3 3A 4 4A 4B and 4C authorised by section 43 (Works) of the Act of 1921.

Compensation for damage to land by entry &c. for purposes of works abandoned.

4. The abandonment by the Company under the authority of this Act of the works authorised to be abandoned by this Act shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of work and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1921.

Compensation to be made in respect of works abandoned.

5. If before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the works authorised to be abandoned by this Act the Company shall (if the Company so desire) be released from all liability to purchase or to complete the purchase of any such land (so far as such land is not required for the purposes of the works authorised by this Act) but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount

and application of the compensation shall in case of dispute be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. A.D. 1930.
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6. The powers granted by the Act of 1921 for the construction of the Works Nos. 2 6 8 9 10 11 12 and 12A authorised by section 43 (Works) of the Act of 1921 are hereby extended and may be exercised by the Company for the period of seven years from the twenty-eighth day of July one thousand nine hundred and thirty-one and that period shall for all purposes be deemed to be the period originally limited for the completion of the said works and sections 38 (Power to pay interest out of capital during construction) and 62 (Period for completion of works) of the Act of 1921 shall be read and construed accordingly. Extending
period for
completion
of certain
works
authorised
by Act of
1921.

7. Subject to the provisions of this Act the Company may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the several works shown on the deposited plans and hereinafter described or some one or more of them or some part or parts thereof and may enter upon take hold appropriate and acquire and use such of the lands streams and properties shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the said works or some of them. Works.

The said works will be situate in the county of Inverness and are the following (that is to say) :—

Work No. 1 A dam in the parish of Kilmonivaig (for the purpose of upholding the waters of the river Spean and thereby submerging land in the parishes of Laggan and Kilmonivaig) to be constructed across the river Spean at a point in that river 810 yards or thereby measured in a south-westerly direction from the centre of the bridge near Roughburn carrying the public road from Fort William to Kingussie over the Allt a'Chaoruinn stream and extending for a distance of 100 yards or thereby in a north-westerly direction and 125 yards or thereby in a south-easterly direction from the centre of the said river;

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Work No. 4 An aqueduct in the parish of Kilmonivaig commencing at a point at or near the south-eastern end of the dam Work No. 1 extending in a south-westerly direction and terminating on the east side of Idir Loch at a point 290 yards or thereby measured in a northerly direction from the centre of the small island therein called "Eilean Tigh na Slige";

Work No. 4A An intake and overflow weir in the parish of Kilmonivaig on the stream entering the river Spean on its south side at a point 760 yards or thereby above its junction with the river Treig and where the said stream is crossed by the aqueduct Work No. 4 at a point 980 yards or thereby measured up the course of the said stream from its junction with the river Spean;

Work No. 4B An intake and overflow weir in the parish of Kilmonivaig on the Allt Chaorach Mor stream where it is crossed by the aqueduct Work No. 4 at a point 1,170 yards or thereby measured up the course of the said stream from its junction with the river Treig;

Work No. 4C An intake and overflow weir in the parish of Kilmonivaig on the Allt Chaorach Beag stream where it is crossed by the aqueduct Work No. 4 at a point 960 yards or thereby measured up the course of the said stream from its junction with the river Treig.

Power to deviate.

8. The Company may in constructing the works authorised by this Act deviate from the lines or position thereof as shown on the deposited plans relating thereto to the extent of the limits of deviation shown thereon and the Company may also deviate from the levels of all or any of the works authorised by this Act as shown on the deposited sections to any extent not exceeding thirty feet upwards and to any extent downwards Provided that the Company shall not construct the dam Work No. 1 of a greater height above the general surface of the ground than that shown on the deposited sections in respect of such work.

Period for compulsory purchase of lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiry of five years from the passing of this Act.

10. If the works authorised by this Act are not completed within eight years from the twenty-eighth day of July one thousand nine hundred and thirty then on the expiration of that period the powers by this Act granted to the Company for executing any of such works not so completed or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering re-placing relaying increasing adding to or removing any of the said works at any time and from time to time as occasion requires.

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Period for
completion
of works.

11.—(1) The area within which the Company may supply water and water hydraulic and motive power and electricity and exercise the powers of the Act of 1921 shall extend to and include (in addition to the area of supply defined in section 90 (Area of supply of water power and electricity) of and the First Schedule to the Act of 1921) the new area defined in subsection (2) of this section and all the provisions of the Act of 1921 shall be read and have effect as if the expression “the area of supply” wherever used in that Act meant such area of supply as extended by this Act.

Extension
of area of
supply.

(2) The new area hereinbefore referred to is—

The area comprising certain lands situated in the parish of Kilmonivaig in the county of Inverness bounded on the west by an imaginary line commencing on the south bank of the river Lochy at the south-western end of the bridge carrying the London and North Eastern Railway (Mallaig extension) over that river thence extending in a southerly and south-westerly direction along the western boundary of the said railway to a point on the last mentioned boundary at the north-western end of the bridge carrying the road leading to Inverlochy village over the said railway which bridge is 50 yards or thereby north of the Glen Lochy distillery thence extending in a south-easterly direction to the north end of the bridge of Nevis thence in an easterly direction for a distance of 3,000 yards or thereby thence in a northerly direction for a distance of 1,300 yards or thereby thence

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in a westerly direction to a point on the south-east bank of the river Lochy 140 yards or thereby south-west of the south-east end of the bridge carrying the road from Fort William to Banavie over the river Lochy thence extending along the south-east and south bank of the river Lochy to the point of commencement.

(3) The Company shall within six months from the passing of this Act deposit at the office of the Electricity Commissioners a map of the area of supply as extended by this Act.

Maintenance
and use of
station for
develop-
ment of
power and
genera-
tion of
electricity.

12. The erection by the Company upon portion of the lands described in the schedule to this Act of their existing generating station and works is hereby sanctioned and confirmed and the Company may upon the said lands or any part or parts thereof maintain carry on work and use and from time to time extend alter and renew the said station and works for the development and use of water hydraulic and motive power and for producing generating using transforming transmitting conveying and distributing electricity and any material product matter or thing arising or used in the process of such generation or transformation and may on such lands exercise in relation to the said station and works the powers conferred by the Act of 1921 in relation to the station or stations and works authorised by section 41 (Stations for development of power and generation of electricity) of that Act :

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

Works &c.
to form
part of
undertaking.

13. The works which the Company are by this Act authorised to construct and maintain and the undertaking authorised by this Act shall for all purposes form part of "the waterworks" and "the undertaking" within the meaning of the Act of 1921 and the provisions of that Act and of the Acts incorporated therewith (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act) shall extend and apply to and in respect thereof as if the same had formed part of the works and the

undertaking authorised by the Act of 1921 and any reference in that Act to Work No. 1 Work No. 4 Work No. 4A Work No. 4B or Work No. 4C thereby authorised shall be construed as referring to the work with the corresponding number authorised by this Act :

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Provided that section 66 (For protection of North British Railway Company) of the Act of 1921 shall be read and have effect as if the London and North Eastern Railway Company were referred to therein instead of the North British Railway Company.

14. The following provisions shall have effect for the protection of Sir John Frecheville Ramsden of Ardverikie Baronet proprietor of the estate of Ardverikie and other lands in the county of Inverness and his heirs and successors in the said estate and lands (all of whom are hereinafter in this section included in the expression "the proprietor") unless otherwise agreed in writing between the proprietor and the Company (that is to say) :—

For
protection
of Sir J. F.
Ramsden.

(1) Before commencing the construction of any of the Works Nos. 10 11 12 and 12A authorised by the Act of 1921 the Company shall give to the proprietor not less than fifteen months' notice in writing :

(2) Notwithstanding anything in this Act contained the provisions of the agreement between the proprietor and the British Aluminium Company Limited for and on behalf of the Company dated the thirtieth day of March and the fifth day of April nineteen hundred and twenty-one and of the agreement between Albert Cameron Macpherson of Cluny Macpherson and the British Aluminium Company Limited for and on behalf of the Company dated the nineteenth and twenty-second days of April nineteen hundred and twenty-one shall (so far as the same are applicable) extend and apply to and in respect of the works authorised by this Act as if the same had formed part of the works and the undertaking authorised by the Act of 1921.

15. The proviso to section 2 (Application of Electricity (Supply) Acts) and subsection (3) (b) of section 110 (Purchase of undertaking) of the Act of 1921 shall be read and have effect as if in lieu of the words "the British

Amending
sections 2
and 110 of
Act of 1921.

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Aluminium Company Limited their successors or assigns ” or “ the British Aluminium Company Limited or their successors or assigns ” wherever those words occur therein the words “ the British Aluminium Company Limited and the North British Aluminium Company Limited or their respective successors or assigns ” had been inserted.

Costs of
Act.

16. 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 SCHEDULE referred to in the
foregoing Act.

Certain lands containing 36 acres or thereabouts in the Parish of Kilmonivaig in the County of Inverness on which lands the existing generating station of the Company is situate bounded by an imaginary line commencing at a point 700 yards or thereby measured in an easterly direction from the south corner of the wall surrounding the grounds of old Inverlochy Castle extending in an easterly direction for a distance of 250 yards or thereby thence in a southerly direction for a distance of 700 yards or thereby thence in a westerly direction for a distance of 250 yards or thereby and thence in a northerly direction to the point of commencement.

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