



CHAPTER iii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Grampian Electricity Supply. A.D. 1930.
 [19th December 1930.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63
 Vict. c. 47.
 16 & 17
 Geo. 5. c. 18.

Be it therefore 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. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation
 of Order in
 schedule.

2. This Act may be cited as the Grampian Electricity Supply Order Confirmation Act 1930.

Short title.

A.D. 1930.

SCHEDULE.

GRAMPIAN ELECTRICITY SUPPLY.

Provisional Order to extend the periods for the compulsory purchase of lands and for the completion of the works authorised by the Grampian Electricity Supply Act 1922 and for other purposes.

WHEREAS by the Grampian Electricity Supply Act 1922 (hereinafter called "the Act of 1922") the Grampian Electricity Supply Company (hereinafter called "the Company") were incorporated and were authorised to construct certain generating stations and works and for those purposes to acquire lands in the counties of Perth and Inverness and the Company were empowered to supply electricity in the counties of Perth Kinross and Forfar and parts of the counties of Inverness Argyll and Stirling comprised within the area of supply defined in the Act of 1922 :

And whereas by the Grampian Electricity Supply Act 1924 and the Grampian Electricity Supply Order 1927 further powers were conferred upon the Company :

And whereas the share capital of the Company authorised by the Act of 1922 is one million seven hundred and fifty thousand pounds which may from time to time be increased to such extent up to but not exceeding four million pounds as may be authorised by a Special Order made confirmed and approved in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1928 :

And whereas the Company are empowered to borrow on mortgage or raise by the creation and issue of debentures or debenture stock any sum or sums not exceeding one-half part of the share capital for the time being issued by the Company and in addition to exercising such power may with the consent of the Electricity Commissioners raise a further sum or sums not exceeding one-half part of such capital :

And whereas the Company have issued one million shares of one pound each the whole of which are fully paid up :

And whereas the Company have expended on capital account and incurred capital commitments for the purposes of and in connection with their undertaking to the extent of approximately one million seven hundred and fifty thousand pounds : A.D. 1930.
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And whereas the Works Nos. 4 7 8 30 31 32 and 33 authorised by the Act of 1922 are in course of construction by the Company :

And whereas the period limited by the Act of 1922 as extended by the said Order of 1927 for the compulsory purchase of lands for the purposes of that Act expired on the fourth day of August one thousand nine hundred and thirty and the period limited by the Act of 1922 for the completion of the works authorised by that Act will expire on the fourth day of August one thousand nine hundred and thirty-two :

And whereas it is expedient that the period for the compulsory purchase of such lands should be further extended and that the period for the completion of the said works should be extended as by this Order provided :

And whereas it is expedient that the Company be empowered to acquire additional lands by agreement and that such further provisions should be enacted as are in this Order contained :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as the Grampian Electricity Supply Order 1930. Short title.

2. The Grampian Electricity Supply Acts 1922 to 1927 and this Order may be cited together as the Grampian Electricity Supply Acts 1922 to 1930. Citation.

3. In this Order unless the context otherwise requires the following expressions shall have the respective meanings in this section applied to them (that is to say) :— Interpretation.

“ The Company ” means the Grampian Electricity Supply Company ;

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“The Act of 1922” “the Act of 1924” and “the Order of 1927” mean respectively the Grampian Electricity Supply Act 1922 the Grampian Electricity Supply Act 1924 and the Grampian Electricity Supply Order 1927;

“The Acts of 1922 to 1927” means the Grampian Electricity Supply Acts 1922 to 1927;

“The undertaking” means the undertaking of the Company authorised by the Acts of 1922 to 1927 and this Order;

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

Extending
period
for com-
pulsory
purchase
of lands.

4. The powers granted by the Act of 1922 as extended by the Order of 1927 for the compulsory purchase of lands for the purposes of the Act of 1922 are hereby further extended and shall continue in force and may be exercised by the Company for the period of three years from the fourth day of August one thousand nine hundred and thirty and on the expiration of that period those powers shall cease.

Extending
period for
completion
of works.

5. The powers granted by the Act of 1922 for the construction of the works authorised by the Act of 1922 are hereby extended and may be exercised by the Company for the period of five years from the fourth day of August one thousand nine hundred and thirty-two and that period shall for all purposes be deemed to be the period originally limited for the completion of the said works and sections 39 (Period for completion of works) 88 (Payment of interest out of capital) and 89 (Interest on borrowed money out of capital) of the Act of 1922 shall be read and construed accordingly.

Lands by
agreement.

6. In addition to the other lands which the Company are by the Acts of 1922 to 1927 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 heritages not exceeding (except with the consent of the Electricity Commissioners which consent such Commissioners are hereby authorised to give) five hundred acres which the Company may from time to time require for the purpose of providing sites for manufacturing and other works and industries and for any of the purposes

of the Acts of 1922 to 1927 and this Order or of the undertaking and the Company may on such lands and on any other lands purchased or acquired under the authority of the Acts of 1922 to 1927 and this Order erect or construct and hold depots yards wharves offices buildings stations sidings works and other conveniences but the Company shall not create or permit a nuisance on any such lands :

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Provided that nothing in this section shall relieve the Company from the necessity for obtaining the consent of the Electricity Commissioners under section 11 of the Electricity (Supply) Act 1919 as amended by section 13 of the Electricity (Supply) Act 1922 to the establishment of any generating station upon any lands acquired under this section.

7.—(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.

Company
may incur
temporary
loans.

(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 mortgage of the undertaking or to raise moneys by the creation and issue of debentures or 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.

8. 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 out of capital 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

Power to
pay com-
missions.

A.D. 1930. — 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.

As to shares issued at a premium or discount.

9. Where any preference or ordinary share of the Company has been or shall be issued (whether under the powers of the Act of 1922 or of any subsequent Act or Order) 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 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 the amount or the aggregate of the amounts for the time being actually paid thereon (excluding any premium).

Closing of transfer books.

10. Section 8 (Closing of transfer books) of the Act of 1924 shall have effect as if the word "payment" were substituted for the word "declaration" in both places where the latter word occurs.

Receipt in case of persons not sui juris.

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

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

12. Notwithstanding anything in section 13 of the Companies Clauses Consolidation (Scotland) Act 1845 or in any other enactment the Company shall not be under any obligation to issue a new debenture or mortgage or a new certificate of any shares or debenture stock or a new warrant in respect of interest or dividend 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 or mortgage 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.

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13. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that 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.

As to
qualifica-
tion of
directors.

14.—(1) Each director shall have the power by notice in writing delivered to the secretary to appoint any person (including another director) to act in his place at any meeting of the directors at which he is unable to be present Such person shall (except that he need not be a shareholder) be subject in all respects to the terms and conditions existing with reference to the directors and while acting in the place of an absent director shall exercise and discharge all the duties of the director he represents but shall look to such director solely for his remuneration and shall not be entitled to claim any remuneration from the Company Any director of the Company who is appointed to act in the place of another director shall be entitled to vote at a meeting of the directors on behalf of the director so appointing him

Directors
by appoint-
ment.

A.D. 1930. — as distinct from the vote to which he is entitled in his own capacity as a director of the Company but shall not be considered as two directors for the purposes of making a quorum of directors.

(2) A person appointed in terms of this section shall only be entitled to act as aforesaid at the first meeting of the directors held after his appointment and his appointment shall be subject to the approval of the directors present at that meeting.

Committee
of directors.

15. Section 98 of the Companies Clauses Consolidation (Scotland) 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 exercisable by the directors.

Execution
of deeds.

16. Any deed to which the Company are a party and any other document requiring to be sealed by the Company shall be held to be validly executed on behalf of the Company if it is sealed with the common seal of the Company and subscribed on behalf of the Company—

(a) by any two of the directors; or

(b) by any one of the directors and the secretary;

and such subscription on behalf of the Company shall be equally binding whether attested by witnesses or not.

Auditors.

17.—(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 persons or the members of such firm shall be a member or members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of one of the chartered societies in Scotland 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 pen-
sions &c.

18.—(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. A.D. 1930.
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(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) No pensions fund established under this section to which the employees of the Company are required to contribute shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

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

19. The directors may subscribe or make donations to infirmaries or hospitals and to convalescent homes and similar institutions and objects and to any industrial exhibitions and trade associations and to sick funds of the employees of the Company and may for any of those purposes apply the funds and revenues of the Company. Power to make donations subscriptions &c.

20. The following provisions of the Act of 1922 and the Act of 1924 are hereby repealed (namely):— Repeal.

The Act of 1922—

Section 37 (Lands by agreement).

The Act of 1924—

Section 3 (As to qualification of directors);

Section 14 (Auditors).

21. Section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 in its application to the undertaking shall have effect as if after the words "electric signalling communication" wherever they occur in that section there were inserted the words "or electrical control of railways." For protection of railway companies.

22. The Company shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river Works below high-water mark not to be

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constructed
without
consent of
Board of
Trade.

communicating therewith below high-water mark of ordinary spring tides any works 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.

23.—(1) Where any work constructed by the Company under the powers of this Order 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 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.

(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 A.D. 1930.
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. —

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

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