



## CHAPTER v.

An Act to confer further powers upon the Cleveland and Durham County Electric Power Company and for other purposes. A.D. 1913.  
[4th July 1913.]

**W**HEREAS by the Cleveland and Durham County Electric Power Act 1901 (hereinafter called "the Act of 1901") the Cleveland and Durham County Electric Power Company (hereinafter called "the Company") were incorporated and authorised (amongst other things) to acquire lands and buildings to erect certain electrical generating stations and other works and to supply electrical energy within parts of the county of Durham and of the north riding of the county of York:

And whereas by the Cleveland and Durham County Electric Power Act 1903 (hereinafter called "the Act of 1903") the Act of 1901 was amended and the Company were authorised to construct generating stations elsewhere than on the lands scheduled to the Act of 1901 and to acquire by agreement any undertakings authorised by Provisional Orders granted under the Electric Lighting Acts 1882 and 1888 to local authorities or other undertakers in respect of districts within the Company's area of supply:

And whereas it is expedient that the Company be authorised to acquire work and maintain generating stations of other companies bodies and persons:

And whereas it is expedient that the Company be authorised to provide supply and let on hire or dispose of on terms of payment by instalments machinery and appliances for use in mines works and premises within the Company's area of supply and the provision of such machinery and appliances involving large expenditure it is expedient to provide for the safety and

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And whereas it is expedient to make further and better provision with respect to the annual accounts to be published by the Company in respect of their several undertakings :

And whereas it is expedient that such further powers be conferred upon the Company and such further provisions be made as are contained in this Act :

And whereas the objects of this Act cannot be attained 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 (that is to say) :—

Short and  
collective  
titles.

1. This Act may be cited as the Cleveland and Durham County Electric Power Act 1913 and the Cleveland and Durham County Electric Power Act 1901 the Cleveland and Durham County Electric Power Act 1903 and this Act may be cited together as the Cleveland and Durham County Electric Power Acts 1901 to 1913.

Interpre-  
tation.

2. Words terms and expressions to which meanings are assigned by the Electric Lighting Acts 1882 to 1909 or by the Electric Lighting (Clauses) Act 1899 have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act—

“Apparatus and appliances” means and includes engines machines motors accumulators cables conductors services wires tubes pipes insulators distributing cut out and other boxes switches transformers lamps meters fittings and other apparatus and appliances ;

“Authorised distributor” means any local authority company body or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a general supply of energy within the Company's area of supply ;

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

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3. The Company may purchase take on lease or otherwise acquire work use maintain alter and improve any generating station and the works connected therewith or incidental thereto belonging to any other company body or person within the Company's area of supply and may sell or otherwise dispose of or discontinue the working and use of any such generating station so acquired or any part thereof but nothing in this section shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land on which any such generating station is constructed.

Company  
may acquire  
generating  
stations.

4.—(1) The Company may purchase provide supply sell and let on hire or dispose of on terms of payment by instalments or otherwise deal in (but not manufacture) and may fix set up alter repair renew and remove apparatus and appliances used for or in connection with the supply or use of the energy supplied by the Company and may provide all materials and do all work necessary or proper in that behalf and may demand take and recover such remuneration in money or such rents and charges for and may make such terms and conditions with respect to the supply sale letting disposal fixing setting up altering repairing renewing and removing of such articles and things as aforesaid and for securing (both as regards the consumer and third parties) their safety and return as may be agreed on between the Company and the person to or for whom the same are sold supplied let on hire fixed or set up as aforesaid.

Power to  
Company to  
supply fit-  
tings &c.

(2) Sections 24 and 25 of the Electric Lighting Act 1882 and section 16 of the Electric Lighting Act 1909 shall apply to

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Exemption  
of fittings  
&c. let on  
hire by con-  
tractors from  
distress.

**5.**—(1) In this section the word “consumer” means any company body or person having an agreement with the Company for the supply of energy and the word “contractor” means any company body or person who has by contract with the Company let or agreed to let on hire or disposed of or agreed to dispose of on terms of payment by instalments any apparatus and appliances to a consumer.

(2) All apparatus and appliances let on hire or disposed of on terms of payment by instalments by a contractor to a consumer or which a contractor may have agreed to let on hire or dispose of as aforesaid and being in or upon premises to which the Company have agreed to give a supply of energy shall at all times subject to the terms of the contract between the contractor and the consumer continue to be the property of the contractor and be removable by the contractor or by the Company at the request of the contractor and subject as aforesaid the power to enter premises for the removal of fittings conferred upon the Company by section 24 of the Electric Lighting Act 1882 and the provisions of section 25 of that Act and of section 16 of the Electric Lighting Act 1909 shall extend and apply to all such apparatus and appliances so long as they remain the property of the contractor as if the same were apparatus and appliances let by the Company on hire or belonging to the Company within the meaning of such sections or any of them. Provided that the distinguishing metal plate or distinguishing brand or mark required by the said section 16 to be affixed to or impressed or made on such apparatus and appliances sufficiently indicates that the contractor is the actual owner thereof and that such apparatus and appliances are protected by virtue of this Act.

Company to  
afford partial  
supply in  
certain  
events.

**6.** Notwithstanding the provisions of section 55 of the Act of 1901 the Company shall not be required to give or to continue to give a supply of energy to any authorised distributor who may require to take or who may be taking a portion only of the energy required by such distributor for the purposes of his undertaking nor shall any such distributor be entitled to require or receive such a supply unless such distributor has entered into a binding agreement to take such energy upon such terms as failing agreement may be fixed by a single

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arbitrator to be appointed by the Board of Trade and in fixing such terms (including a minimum annual sum to be paid to the Company) the arbitrator shall have regard to the following amongst other considerations:—

- (1) The period for which the authorised distributor is prepared to bind himself to take energy:
- (2) The amount of energy required and the hours during which the Company can be called upon to supply such energy:
- (3) The capital expenditure and other standing charges in connection with the supply of such energy:
- (4) How far capital expended in connection with such supply may become unproductive to the Company upon the discontinuance of such supply.

The provisions of section 62 of the Act of 1901 shall not apply to any supply given under this section.

7. If the clear profits of the Company in any year amount to a larger sum than would be equivalent to a dividend upon the paid-up capital of the Company at the standard rate of eight per centum the excess beyond the sum equivalent to such a dividend and subject to any provisions for making good any deficiency in any previous dividend which shall have fallen below the said yearly rate of eight per centum may from time to time to the extent of one per centum per annum upon such capital be invested in any securities in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest money and the dividends and interest arising from such securities shall also be invested in the same or the like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one-twentieth of the paid-up capital of the Company which sum shall form an insurance fund to meet the cost of the renewals of plant or any extraordinary claim demand or charge which may at any time arise against or fall upon the Company from accident strikes or other circumstances which in the opinion of two justices due care and management could not have prevented and if such fund be at any time reduced it may thereafter be again made up to the said sum and so from time to time as often as such reduction shall happen. Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up

If profits exceed amount applicable to dividend excess may be invested and form an insurance fund.



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capital of the Company the interest thereon shall be carried to the credit of the fund available for dividend Provided also that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid although such fund may not at the time have reached or may have been reduced below the full amount of one-twentieth as aforesaid.

Power to  
create re-  
serve fund.

8. The Company may in any year out of their profits authorised to be divided among the shareholders in respect of such year set apart such sum as they shall think fit and all sums (if any) so set apart by the Company may be invested in such securities as aforesaid and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest and the fund so formed shall be called "the reserve fund" and shall be applicable to the payment of dividend in respect of any year in which the clear profits of the Company have been or shall be insufficient to enable the Company to pay a dividend at the authorised rate and save as in this Act provided no sum shall in any year be carried by the Company to the said reserve fund out of their profits.

Power to  
create acci-  
dent fund.

9. The Company may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employer's Liability Acts the Workmen's Compensation Acts or otherwise in respect of any accident occurring in the execution of any of their powers as a company and such fund shall be formed by annually appropriating thereto such sum out of their revenue as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory securities and accumulated until the same shall amount to the sum of twenty thousand pounds Provided that the Company may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or have been reduced below the said sum of twenty thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

Application  
of profits  
not applied  
to dividend.

10. Any sum applicable to the payment of dividend in any year and not applied to that purpose or any other purpose

authorised by this Act may be carried by the Company to the credit of the revenue account of the Company for the next following year. A.D. 1913.

11. The Company may make up one annual statement of account in respect of all the undertakings for the time being belonging to them and it shall not be necessary for the Company to make up a separate statement of account in respect of each such undertaking. Such annual statement shall be made in such form and shall contain such particulars as the Board of Trade may from time to time prescribe and the provisions of section 9 of the Electric Lighting Act 1882 (relating to the publication of accounts and the keeping and sale of copies thereof) and of section 6 (relating to audit of undertakers' accounts) of the Electric Lighting (Clauses) Act 1899 shall extend and apply to each such annual statement of account. Accounts.

12. So much of any special Act or Provisional Order or of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with any such Act or Order and for the purposes of which Act or Order the Company are the undertakers as prohibits the Company from purchasing or acquiring the undertaking of or associating themselves with any company body or person supplying energy under any licence Provisional Order or special Act unless the undertakers are authorised by Parliament to do so shall not be construed as prohibiting the Company from working the undertaking of any such company body or person or any part thereof in the area of supply of the Company or from subscribing for or otherwise acquiring shares and securities of any such company. Provisions as to association of Company with other companies and persons.

13. 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. Costs of Act.

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