



CHAPTER lix.

An Act to confer powers upon the mayor aldermen and burgesses of the borough of Workington with regard to the supply of electricity and for other purposes.

A.D. 1919.

[15th August 1919.]

WHEREAS the borough of Workington in the county of Cumberland is under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas there is no public supply of electricity for power or other purposes within the borough and such a supply is greatly needed for trade and manufacturing purposes and the Corporation are prepared to undertake to provide the same:

And whereas a supply can be obtained in bulk from the steel works in the borough and it is expedient that the Corporation should be authorised to take such a supply by agreement:

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

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows:—

(a) For the provision of electrical equipment mains and wires £20,000;

(b) For working capital £1,200:

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

[Price 9d. Net.]

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[Ch. lix.] *Workington Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919.

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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 title.

1. This Act may be cited as the Workington Corporation Act 1919.

Incorporation of Act.

2. The Electric Lighting (Clauses) Act 1899 so far as the same is applicable for the purposes and is not inconsistent with the provisions of this Act is hereby incorporated with and forms part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Act unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Workington;

“The borough” means the borough of Workington;

“The council” means the council of the borough;

“The borough fund” and “the borough rate” mean respectively the borough fund and borough rate of the borough;

“The Act of 1883” means the Workington Corporation Act 1883;

“The Act of 1899” means the Workington Corporation Act 1899.

Purchase of electricity in bulk.

4. The Corporation may enter into and carry into effect agreements with any company body or person for the supply of electrical energy in bulk by such company body or person to the Corporation provided that every such agreement shall be for a period not exceeding seven years and thereafter determinable

[9 & 10 GEO. 5.] *Workington Corporation Act, 1919.* [Ch. lix.]

by six months' notice in writing by either party and the Corporation may take and use such supply for the purposes of their undertaking but nothing in this section shall authorise the Corporation to lay mains or cables or to interfere with any street beyond the borough: A.D. 1919.

Provided that all the provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electric Lighting Acts 1882 to 1909 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall extend to the supply of electrical energy under any agreement made in pursuance of this section and to any works constructed for the purposes of such agreement.

5. The area of supply for the purposes of this Act and within the meaning of section 4 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be the area which is described in the First Schedule to this Act. Area of supply.

6. The streets throughout which the Corporation are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Act as mentioned in section 21 of the schedule to the Electric Lighting (Clauses) Act 1899 are those mentioned in the Second Schedule to this Act. Compulsory works.

7. The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Third Schedule to this Act. Maximum prices.

8.—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lampholders motor and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and subject to such terms and conditions as may be agreed upon. Electrical fittings.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract

A.D. 1919. The Corporation shall not sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(b) The sums properly chargeable and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year:

(c) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer:

Provided that the Corporation may in any case where such fittings or other apparatus are provided under the provisions of this section to any consumer and no such remuneration is taken or rent charged for such fittings and the work done in connection therewith charge to such consumer such increased price per unit for the supply of electrical energy as they may think fit.

Supply to
premises
having
supply of gas

9. Notwithstanding anything contained in the Electric Lighting Acts 1882 to 1909 a person shall not be entitled to demand or to continue to receive from the Corporation a supply

[9 & 10 GEO. 5.] *Workington Corporation Act, 1919.* [Ch. lix.]

of electrical energy for lighting purposes for any premises A.D. 1919.
 having a supply of gas or other illuminant unless he has agreed or other
 with the Corporation to pay them such minimum annual sum illuminant.
 as will give them a reasonable return on the capital expenditure
 and will cover other standing charges incurred by them in order
 to meet the possible maximum demand for those premises and
 the sum to be so paid shall be determined in default of
 agreement by arbitration.

10.--(1) The Corporation may from time to time Power to
 independently of any other borrowing power borrow at interest borrow.
 for the purposes mentioned in the first column of the following
 table the respective sums mentioned in the second column
 thereof and in order to secure the repayment thereof and the
 payment of interest thereon they may mortgage or charge the
 respective revenue funds and rates mentioned in the third
 column of the said table and they shall pay off all moneys so
 borrowed within the respective periods (each of which is in this
 Act referred to as "the prescribed period") mentioned in the
 fourth column thereof (namely):—

Purpose.	Amount.	Charges.	Period for Repayment.
(1)	(2)	(3)	(4)
(a) For the purposes of the electricity undertaking.	£20,000	The revenue of the electricity undertaking and the district fund and general district rate.	Forty years from the date or dates of borrowing.
(b) For the costs of this Act.	The sum requisite.	The revenue of the electricity undertaking and the district fund and general district rate.	Five years from the passing of this Act.

(2)--(a) The Corporation may also with the consent of the Local Government Board borrow such further money as may be necessary for working capital or any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Local Government Board and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Local Government Board.

A.D. 1919.

Power to
re-borrow.

11.—(1) The Corporation shall have the power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purposes of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(a) By instalments or annual payments; or

(b) By means of a sinking fund; or

(c) Out of moneys derived from the sale of land; or

(d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 30 (Power to re-borrow) of the Act of 1883 is hereby repealed.

(6) “Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under

any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed. A.D. 1919.

12. The following provisions of the Act of 1899 shall apply to moneys borrowed under this Act as if those provisions were with all necessary modifications re-enacted in this Act:— Application of financial provisions of Act of 1899.

Section 91 Mode of payment off of money borrowed.

Section 92 Incorporation of parts of Act of 1883 (as amended by this Act).

Section 93 Inquiries by and expenses of Local Government Board.

13.—(1) The Corporation shall so soon as the annual statement of accounts of their electrical undertaking has been filled up in the form prescribed by the Board of Trade under the Electric Lighting Act 1882 publish in a newspaper circulating in the borough a notification that such statement of accounts has been filled up and that copies of it can be obtained at the office of the town clerk of the borough at a price not exceeding one shilling a copy and such publication shall be in addition to and not in substitution for any publication prescribed by the Board of Trade under the Electric Lighting Act 1882. Revision of prices so as to balance revenue and expenditure.

(2) The Corporation shall on the expiration of the fifth complete financial year after they shall have commenced to supply electrical energy under this Act and on the expiration of each third succeeding year reconsider and if necessary revise and thereafter maintain the scales of prices charged for electrical energy under this Act so that so far as is reasonably practicable no contribution from the rates of the borough will be required for the purpose of defraying the future expenses of the said undertaking during the next three years Provided nevertheless that—

(a) The prices to be charged shall not exceed the maximum prices which may be charged under this Act:

(b) The scales of prices so reconsidered and revised may be from time to time in like manner reconsidered and revised by the Corporation.

(3) Nothing in this section contained shall prevent the Corporation from entering into contracts for periods which may

A.D. 1919. — extend beyond the periods at which any revision may take place under the provisions of this section on special terms and under special circumstances not applicable to ordinary consumers but each such contract shall provide that the price to be charged for energy supplied under such contract shall either—

(a) Be subject to revision at the next triennial revision provided for in this section; or

(b) Vary in the same proportion as the prices charged to ordinary consumers:

Provided that the Corporation shall not without their consent be required to accept any price lower than the maximum price mentioned in such contract.

(4) There shall not be made against the general district rate or any other rate—

(a) In respect of energy used by the Corporation for street lighting or other lighting purposes a charge at any higher rate than that made to consumers using energy for lighting for the like hours of supply; or

(b) In respect of energy used by the Corporation for any other purpose in connexion with their powers and duties as a local or sanitary authority a charge at any higher rate than that made to consumers using energy for similar purposes and for like hours of supply.

Audit of
accounts.

14. The accounts of the receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequence as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Costs of Act.

15. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1919.

FIRST SCHEDULE.

AREA OF SUPPLY.

The borough of Workington as the same is constituted at the passing of this Act.

SECOND SCHEDULE.

List of streets and parts of streets in the borough throughout which the corporation are to lay down suitable and sufficient distributing mains for the purposes of general supply within a period of two years after the commencement of this Act:

Stanley Street Station Road Oxford Street Jane Street Wilson Street Pow Street and Finkle Street.

THIRD SCHEDULE.

MAXIMUM PRICES.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units twelve shillings and for each unit over twenty units sixpence.

Section 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled

[Ch. lix.] *Workington Corporation Act, 1919.* [9 & 10 GEO. 5.]

A.D. 1919. — to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the Board of Trade regulations.

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