

**WEST KOOTENAY POWER AND LIGHT COMPANY, LIMITED,  
ACT, 1897, AMENDMENT ACT, 1981****CHAPTER 32**

[Assented to July 7, 1981.]

WHEREAS West Kootenay Power and Light Company, Limited has presented a petition praying that the *West Kootenay Power and Light Company, Limited, Act, 1897* be amended;

AND WHEREAS it is expedient to grant the prayer of the said petition;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. This Act may be cited as the *West Kootenay Power and Light Company, Limited, Act, 1897, Amendment Act, 1981*.
2. Sections 2, 3, 4, 5, 6, 7 and 8 of the *West Kootenay Power and Light Company, Limited, Act, 1897*, being chapter 63 of the Statutes of 1897, are amended by substituting the following:
  2. The provisions of the *Company Clauses Act* shall not apply to the Company.
  3. Those provisions of the *Company Act* which are not excluded by section 5 (1) (a) following shall apply to the Company.
  4. Those provisions of the regulations made under the *Company Act* which are not excluded by section 5 (1) (b) following shall apply to the Company.
  5. (1) Subject to subsection (4), the Company may file with the Registrar of Companies a special resolution so as to make applicable to the Company, with the necessary changes and so far as is applicable,
    - (a) the *Company Act*, R.S.B.C. 1979, c. 59, other than sections 2 to 5, 7 to 12, 15 to 18, 21, 23 to 24, 27 to 31, 34 to 38, 245, 271 to 279 and Part 10, and
    - (b) regulations made under the *Company Act* other than
      - (i) regulations made in respect of the sections and part described in paragraph (a), and
      - (ii) regulations that expressly exclude their application to the Company.
  - (2) The special resolution shall be expressed to:
    - (a) adopt a memorandum of the Company, but the memorandum shall not
      - (i) make applicable a provision inconsistent with the *West Kootenay Power and Light Company, Limited, Act, 1897*, as amended, or
      - exclude a provision required by the *West Kootenay Power and Light Company, Limited, Act, 1897*, as amended,

CHAP. 32 WEST KOOTENAY POWER AND LIGHT COMPANY, LIMITED. 29-30 ELIZ. 2  
1897 (AMENDMENT)

- (ii) make applicable a provision inconsistent with the nature of the objects of the Company,
  - (iii) make applicable a provision inconsistent with the requirements of a law of the Province which regulates the business or affairs of the Company, and
  - (b) adopt articles for the Company so that they comply with the provisions of the *Company Act* that will apply to the Company, and
  - (c) authorize two or more directors to apply to the Registrar of Companies and for that purpose to execute the form of memorandum and form of articles adopted by the Company on behalf of the Company and to deliver them to the Registrar of Companies with a certified copy of the special resolution and any other documents relating to the Company that the Registrar may require.
- (3) On the Registrar of Companies accepting for filing a certified copy of the special resolution, the Registrar shall at the expense of the Company publish in the Gazette notice of the filing of the special resolution.
- (4) The date of that publication in the Gazette shall be the date from which
- (a) the memorandum and the articles referred to in subsection (2) shall apply to the Company, and
  - (b) the provisions of the *Company Act* and the regulations other than the provisions that by reason of subsection (1) cannot be made applicable, shall apply to the Company, and
  - (c) the *Company Clauses Act* shall not apply to the Company, and
  - (d) the provisions of sections 2 to 8, 35 and 36 of the *West Kootenay Power and Light Company, Limited, Act, 1897* shall not apply to the Company.

6. In addition to the powers conferred on the Company by its Act of Incorporation, as amended, the Company shall have the power and capacity of a natural person of full capacity.

7. The Directors of the Company shall have full power to manage the affairs and business of the Company and to maintain the undertakings of the Company, and to establish rates for compressed air and for electricity supplied, and rents for telephones, compressed air and electrical appliances let for hire, fixing the time or times when and the places where the same shall be payable, and providing for the collection of tolls for freight or ores and fares for the carriage of passengers.

8. Where there is a conflict or inconsistency between the provisions of the *Company Act* or a regulation made pursuant thereto applicable to the Company and a provision of the *West Kootenay Power and Light Company, Limited, Act, 1897*, as amended, the provisions of the latter Act shall prevail.