

ELECTRICITY.

*Electricity Board : Application
of Electric Lighting (Clauses)
Act, 1899, p. 137.*

*Electricity Board Borrowing
Regulations, p. 158.*

**Electricity Board : Application to, of Electric Lighting
(Clauses) Act, 1899.**

THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899 (APPLICATION TO ELECTRICITY BOARD FOR NORTHERN IRELAND) REGULATIONS, 1931, MADE BY THE MINISTRY OF COMMERCE UNDER THE ELECTRICITY (SUPPLY) ACT (NORTHERN IRELAND), 1931 (21 & 22 GEO. 5, C. 9).

1931. No. 144.

WHEREAS in pursuance of section 1 of the Electricity (Supply) Act (Northern Ireland), 1931, the Electricity Board for Northern Ireland (in these regulations referred to as "the Board") has been duly established for the purposes set forth in the said Act :

And whereas by sub-section (1) of section 50 of the said Act it is enacted that, subject to the provisions of the said Act, the Board shall be deemed to be undertakers and authorised undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1919, as amended by the said Act, and that the said Act in relation to the Board shall be deemed to be a special Act for the purposes of the said Electricity (Supply) Acts, and that for the purposes of the said section 50 there shall be incorporated with the said Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899, subject to such exceptions and modifications as may be prescribed by regulations made by the Ministry of Commerce, and subject also to the particular exceptions and modifications enacted by the proviso to the said sub-section :

Now therefore the Ministry of Commerce in the exercise of the power as aforesaid conferred upon that Ministry by the Electricity (Supply) Act (Northern Ireland), 1931, and of every other power it thereunto enabling, hereby makes the following Regulations, that is to say :—

Regulations.

Citation.

1. These Regulations may be cited as "The Electric Lighting (Clauses) Act, 1899 (Application to Electricity Board for Northern Ireland) Regulations, 1931."

Excepted sections of Schedule to Electric Lighting (Clauses) Act, 1899.

2. Sections 2, 3, 4, 5, 6, 7, 12, 21 to 26 (both inclusive), 32, 37, 39 to 48 (both inclusive), 63 to 68 (both inclusive), 70, 71, 72, 74, 75, 78, 81 and 83 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are hereby excepted from incorporation with the Electricity (Supply) Act (Northern Ireland), 1931, for the purposes of section 50 thereof.

Modified sections of Schedule to Electric Lighting (Clauses) Act, 1899.

3. Sections 1, 8 to 11 (both inclusive), 13 to 20 (both inclusive), 27, 28, 29, 30, 31, 33, 34, 35, 36, 38, 49, 50, 51, 52, 53, 55, 57, 58, 60, 61, 62, 69, 73, 76, 79, 80, 82 and 84 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are hereby modified as set out in the Schedule hereto for incorporation with the Electricity (Supply) Act (Northern Ireland), 1931, for the purposes of section 50 thereof.

Sections of Schedule to Electric Lighting (Clauses) Act, 1899, incorporated without modification. Special exception of certain sections.

4. Sections 54, 56, 59 and 77 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are incorporated without modification with the Electricity (Supply) Act (Northern Ireland), 1931, for the purposes of section 50 thereof.

5. Notwithstanding anything in Regulation 3 or 4 of these Regulations, sections 27, 29, 30, 31, 34, 49, 50, 51, 52, 53, 55, 56, 58 and 60 of the Schedule to the Electric Lighting (Clauses) Act, 1899, are hereby excepted from incorporation as aforesaid, save as respects any area for which the Board are or become authorised undertakers in pursuance of any provision of section 7 or section 18 of the Electricity (Supply) Act (Northern Ireland), 1931.

Commencement of Regulations.

6. These Regulations shall commence and come into force as soon as they have lain before each House of Parliament for the statutory period as defined in sub-section (2) of section 50 of the Electricity (Supply) Act (Northern Ireland), 1931, if neither of those Houses before the expiration of that period presents an Address to the Governor of Northern Ireland against the Regulations or any of them.

Given under the Official Seal of the Ministry of Commerce
this 24th day of November, 1931.

(L.S.)

W. D. Scott,
Secretary.

SCHEDULE.

EXCEPTED, MODIFIED AND UNMODIFIED SECTIONS OF THE
SCHEDULE TO THE ELECTRIC LIGHTING (CLAUSES) ACT, 1899.*Section 1. (Interpretation).*

Modified for incorporation as follows:—

1. The provisions of this schedule are to be read and construed subject in all respects to the provisions of the Electricity (Supply) Acts (Northern Ireland), 1882 to 1931, and of any other Acts or parts of Acts incorporated therewith, and those Acts and parts of Acts are in this schedule collectively referred to as "the principal Acts" and the several words, terms and expressions to which by the principal Acts meanings are assigned shall have in this schedule the same respective meanings, provided that in this schedule—

Interpretation.

The expression "the Special Act" means the Electricity (Supply) Act (Northern Ireland), 1931, with which the modified provisions of this schedule are incorporated and includes those provisions as so incorporated, and the said expression also includes any Special Order which may be made by the Ministry of Commerce under the powers of the Electricity (Supply) Act (Northern Ireland), 1931, conferring powers upon the undertakers as defined in these regulations.

The expression "the Undertakers" means the Electricity Board for Northern Ireland named in the Special Act.

The expression "energy" means electrical energy, and for the purposes of applying the provisions of the principal Acts to the Special Act electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

The expression "power" means electrical power or the rate per unit of time at which energy is supplied:

The expression "main" means any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" means any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" means the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" means the general supply of energy to ordinary consumers, and includes, unless otherwise specially agreed with the local authority, the general supply of energy to the public lamps, where the local authority are not themselves the Undertakers, but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "county council" means the county council of the county in which the area of supply is situated:

The expression "consumer" means any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" means the ends of the electric lines situate upon any consumer's premises and belonging to him, at which the supply of energy is delivered from the service lines:

The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, has the same meaning as in the Telegraph Act, 1878, and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of that line is, whether through induction or otherwise, in any manner affected:

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c. 76.

The expression "railway" includes any tramroad, that is to say, any tramway other than a tramway as hereinafter defined :

The expression "tramway" means any tramway laid along any street :

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor :

The expression "regulations of the Ministry of Commerce" means any regulations or conditions affecting the undertaking made by the said Ministry under the principal Acts or the Special Act for securing the safety of the public or ensuring a proper and sufficient supply of energy, and includes any regulations of general application made by the Electricity Commissioners for Northern Ireland which for the time being remain in force :

The expression "plan" means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Ministry of Commerce may approve of for both plan and section, together with such detail plan and sections as may be necessary.

Section 2. (Description of Undertakers).

Excepted from incorporation.

Section 3. (Undertakers not to purchase other undertakings).

Excepted from incorporation.

Section 4. (Area of supply and prohibition of supply beyond area).

Excepted from incorporation.

Section 5. (Security for execution of works).

Excepted from incorporation.

Section 6. (Audit of Undertakers' accounts).

Excepted from incorporation.

Section 7. (Application of money received by local authority as Undertakers).

Excepted from incorporation.

Section 8. (Purchase and use of lands by local authority).

Modified for incorporation as follows:—

Purchase and use of lands.

8. Subject to the provisions of the Special Act and the principal Acts the undertakers may dispose of or lease any lands acquired by them by agreement which may not for the time being be required for the purposes of the Special Act.

Section 9. (Incorporation of 41 & 42 Vict., c. 52, s. 264).

Modified for incorporation as follows:—

Protection of Undertakers and their officers from personal liability.

9. No matter or thing done, and no contract entered into by the Undertakers, and no matter or thing done by any member of the Undertakers or by any officer of the Undertakers or other person whomsoever acting under the direction of the Undertakers shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing the Special Act, subject them or any of them personally to any action, liability, claim or demand whatsoever; and any expense incurred by the Undertakers, member, officer or other person acting as last aforesaid shall be borne and repaid out of the fund applicable by the Undertakers to the general purposes of the Special Act.

Section 10. (Systems and mode of supply).

Modified for incorporation as follows:—

Systems and mode of supply.

10. Subject to the provisions of the Special Act and the principal Acts the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

- (a) Energy shall be supplied only by means of some system approved in writing by the Ministry of Commerce, and subject to the regulations of the Ministry of Commerce; and

- (b) The Undertakers shall not, without the express consent of the Ministry of Commerce, place any electric line above ground except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and
- (c) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of the regulations of the Ministry of Commerce, unless the connexion is for the time being approved by the Ministry of Commerce, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of that approval.

Section 11. (Additional provisions as to works).

Modified for incorporation as follows:—

11. The provisions of the Special Act as to works shall be in addition but subject to those of the principal Acts (exclusive of the Special Act), and in particular those of the Gasworks Clauses Act, 1847, with respect to breaking up streets incorporated in the principal Acts.

Additional provisions as to works.

Section 12. (Powers for execution of works).

Excepted from incorporation.

Section 13. (Street Boxes).

Modified for incorporation as follows:—

13.—(1) Subject to the provisions of the principal Acts and the Special Act and the regulations of the Ministry of Commerce, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of the boxes: Provided that no such box or apparatus shall be placed above ground except with the consent of the authority, body or person by whom the street is repairable.

Street boxes.

(2) Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Ministry of Commerce otherwise orders, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking, and the Undertakers may place therein meters, switches and any other suitable and proper apparatus for any of the above purposes.

(3) Every such box, including the upper surface or covering thereof, shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4) The local authority may, with the approval of the Ministry of Commerce, prescribe the hours during which the Undertakers are to have access to the boxes, and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable for each offence to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Section 14. (Notice of works; with plan, to be served on Postmaster-General and local authority.)

Modified for incorporation as follows:—

14.—(1) Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in, under, along or across any street or public bridge, the following provisions shall have effect:—

Notice of works, with plan, to be served on Postmaster-General and local authority.

- (a) One month or in the case of service lines seven days before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the Undertakers shall serve a notice upon the

Postmaster-General and the local authority describing the proposed works, together with a plan of the works showing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the street or bridge, or any sewer, drain or tunnel therein or thereunder is to be interfered with, and shall, upon being required to do so by the Postmaster-General or the local authority, give him or them any such further information in relation thereto as he or they desire.

- (b) The Postmaster-General or the local authority may, in his or their discretion, approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the Undertakers.
- (c) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove any such works or plan, the Undertakers may appeal to the Ministry of Commerce, and the Ministry of Commerce may inquire into the matter and allow or disallow the appeal, and may approve any such works or plan subject to such amendments or conditions as seem fit, or may disapprove them.
- (d) If the Postmaster-General or the local authority fail to give any notice of approval or disapproval to the Undertakers within one month or in the case of service lines seven days after the service of the notice upon them, he or they shall be deemed to have approved the works and plan.
- (e) Notwithstanding anything in the Special Act or the principal Acts, the Undertakers shall not be entitled to execute any such works as above specified, except so far as they may be of a description and in accordance with a plan which has been approved, or is to be deemed to have been approved, by the Postmaster-General and the local authority, or by the Ministry of Commerce as above mentioned; but where any such works, description and plan are so approved, or to be deemed to be approved, the Undertakers may cause those works to be executed in accordance with the description and plan, subject in all respects to the provisions of the Special Act and the principal Acts.
- (f) If the Undertakers make default in complying with any of the requirements or restrictions of this section, they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(2) Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under the Special Act or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers' works or their supply of energy.

Section 15. (As to streets not repairable by local authority, railways, tramways and canals).

Modified for incorporation as follows:—

15. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in, under, along or across any street or part of a street not repairable by the local authority or over or under any railway, tramway or canal, the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (a) One month before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall, in

As to streets not repairable by local authority, railways, tramways and canals.

in addition to any other notices which they may be required to give under the Special Act or the principal Acts, serve a notice upon the body or person (if any) liable to repair the street or part of a street, or the body or person for the time being entitled to work the railway or tramway, or the owners of the canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which the works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they desire.

- (b) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.
- (c) Within three weeks after the service of any such notice and plan upon any owners, those owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to the works, or to compensation in respect thereof, and any other question arising upon the notice or plan, shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly.
- (d) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the street, railway, tramway or canal, and may, if he thinks fit, require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.
- (e) Where no such requisition as in this section mentioned is served upon the Undertakers, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the Undertakers may cause to be executed the works specified in such notice and plan as aforesaid, and may repair, renew and amend them (provided that their character and position are not altered), but subject in all respects to the provisions of the Special Act, and the principal Acts and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed upon between the parties.
- (f) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, and those owners shall have the right to be present during the execution of the works.
- (g) Where the repair, renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway or with any tramway over or under which those works have been placed, the Undertakers shall, unless it is otherwise agreed between the parties or in cases of emergency, give to the owners not less than twenty-four hours' notice before commencing to effect the repair, renewal or amendment, and the owners shall be entitled by their officer to superintend the works, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or that officer. The notice shall be in addition to any other notices which the Undertakers may be required to give under the Special Act or the principal Acts.
- (h) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Section 16. (Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers).

Modified for incorporation as follows :—

Street authority, &c., may give notice of desire to break up streets, &c., on behalf of Undertakers.

16. Any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway which the Undertakers are empowered to break up for the purposes of the Special Act, may, if they think fit, serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, re-instating or making good any streets, bridges, sewers, drains, tunnels or other works vested in or under the control or management of that body or person, and may amend or revoke any such notice by another notice similarly served.

Where any such body or person (in this section referred to as the "givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as that notice remains in force the following provisions shall have effect unless it is otherwise agreed between the parties interested :—

- (a) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge those powers or duties and the givers of the notice have refused or neglected to comply with that requisition, as herein-after provided, or in cases of emergency.
- (b) In addition to any other notices which they are required to give under the provisions of the Special Act or the principal Acts, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when that exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.
- (c) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions, so far as they are applicable, as the Undertakers would themselves be subject to in that exercise or discharge.
- (d) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with the requisition, the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.
- (e) In any case of emergency the Undertakers may themselves proceed at once to exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice; but in that case the Undertakers shall, within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the givers of the notice.
- (f) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, they shall be liable for each offence to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

- (g) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by the Special Act or the principal Acts in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street or part of a street, or any such bridges, sewers, drains, tunnels or other works, or railway or tramway as in this section mentioned.

Section 17. (As to alteration of pipes, wires, &c., under streets).

Modified for incorporation as follows :—

17. The Undertakers may alter the position of any pipes (except any pipe forming part of any sewer of the local authority) or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Acts or the Special Act ; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street or place, subject to the following provisions unless it is otherwise agreed between the parties interested :—

As to alterations of pipes, wires, &c., under streets.

- (a) One month before commencing any such alterations the Undertakers or the body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to the pipes, wires, electric lines or works (as the case may be), in this section referred to as the "owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.
- (b) Within three weeks after the service of any such notice and plan upon any owners those owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration ; and thereupon that question unless settled by agreement shall be determined by arbitration accordingly.
- (c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the pipes, wires, electric lines or works, and may, if he thinks fit, require the operators to execute any temporary or other works so as to avoid interference with any purpose for which the pipes, wires, electric lines or works are used so far as possible.
- (d) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice of plan served on them as aforesaid, and in that case, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the operators may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of the principal Acts and the Special Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed upon between the parties.
- (e) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute the alterations themselves, and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute the alterations except where they have notified to the owners that they require them to execute the alterations and the owners have refused or neglected to comply with the notification as hereafter provided.

- (f) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-four hours before the execution of the alterations is required to be commenced, serve a notification upon the owners stating the time when the alterations are required to be commenced and the manner in which the alterations are required to be made.
- (g) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute the alterations as required by the operators subject to the like restrictions and conditions, so far as they are applicable, as the operators would themselves be subject to in executing the alterations.
- (h) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with the notification, the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- (i) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by the operators and may be recovered summarily.
- (j) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Act or the principal Acts) make full compensation to the owners affected thereby for any loss, damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Section 18. (Laying of electric lines, &c., near sewers, &c., or gas or water pipes, or other electric lines.)

Modified for incorporation as follows:—

laying of
electric lines,
&c., near
sewers, &c., or
gas or water-
pipes, or other
electric lines.

18.—(1) Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, water-course, defence or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line or other work belonging to any gas, electric supply or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or the gas or water company (as the case may be), in this section referred to as the "operators," shall, unless it is otherwise agreed between the parties interested or in case of sudden emergency, give to the local authority or to the gas, electric supply or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than three days' notice before commencing to dig or sink such trench as aforesaid, and those owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer, drain, watercourse, defence, main, pipe, syphon, electric line or work and for securing access thereto, and they shall also, if required by the owners thereof, repair any damage that may be done thereto.

(2) Where the operators find it necessary to undermine but not alter the position of any pipe, electric line or work, they shall temporarily support it in position during the execution of their works, and before completion provide a suitable and proper foundation for it where so undermined.

(3) Where the operators (being the Undertakers) lay any electric lines crossing or liable to touch any mains, pipes, lines or services belonging to any gas, electric supply or water company, the conducting portion of the electric line shall be effectively insulated in a manner approved by the Ministry of Commerce; and the Undertakers shall not, except with the consent of the gas, electric supply or water company (as the case may be) and of the Ministry of Commerce, lay their electric lines so as to come into contact with any

such mains, pipes, lines or services, or, except with the like consent, employ any such mains, pipes, lines or services as conductors for the purposes of their supply of energy.

(4) Any question or difference which may arise under this section shall be determined by arbitration.

(5) If the operators make default in complying with any of the requirements of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty or costs which they may incur by reason thereof; and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, main, pipe, syphon, electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operators.

(6) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person other than the Undertakers supplying energy in pursuance of the principal Acts.

Section 19. (For protection of railway and canal companies).

Modified for incorporation as follows:—

19. In the exercise of any of the powers of the Special Act relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of railway and canal companies.

Section 20. (For protection of telegraphic and telephonic wires.)

Modified for incorporation as follows:—

20.—(1) The Undertakers shall take all reasonable precautions in constructing, laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic or electric signalling communication or electrical control of railways, or the currents in that wire or line, whether that wire or line be or be not in existence at the time of the laying down or placing of the electric lines or other works.

For protection of telegraphic and telephonic wires.

If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed, laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of that wire or line or the current therein is or is not injuriously affected thereby, that question shall be determined by arbitration; and the arbitrator (unless he is of opinion that the wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in, or additions to their system so as to comply with the provisions of this section, and the Undertakers shall make those alterations or additions accordingly.

(2) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication or electrical control of railways through any wire or line lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the owner of the wire or line notice in writing specifying the course, nature and gauge of the electric line and the manner in which the electric line is intended to be used, and the amount and nature of the currents intended to be transmitted thereby, and the extent to and manner in which (if at all) earth returns are proposed to be used; and any owner entitled to receive that notice may serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein

specified in regard to the laying, placing or user of the electric line for the purpose of preventing the injurious affection; and the Undertakers shall conform with such reasonable requirements as may be made by the owner for the purpose of preventing the communication or control through the wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made, that difference shall be determined by arbitration.

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course, nature and gauge of the electric line and the amount and nature of the current transmitted thereby are not altered.

(3) If in any case the Undertakers make default in complying with the requirements of this section, they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Provided that the Undertakers shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances, or that the default was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that that ignorance was not owing to any negligence on the part of the Undertakers.

(4) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment, action or otherwise in relation to any of the matters aforesaid.

Section 21. (Mains, &c., to be laid down in streets specified in Special Order and in remainder of area of supply.)

Excepted from incorporation.

Section 22. (As to laying of electric line under special agreement.)

Excepted from incorporation.

Section 23. (If Undertakers fail to lay down mains, &c., Order may be revoked.)

Excepted from incorporation.

Section 24. (Manner in which requisition is to be made.)

Excepted from incorporation.

Section 25: (Provisions on requisition by owners or occupiers.)

Excepted from incorporation.

Section 26. (Provisions on requisition by local authority.)

Excepted from incorporation.

Section 27. (Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.)

Modified for incorporation as follows:—

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

27.—(1) The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under the Special Act or the regulations of the Ministry of Commerce, give and continue to give a supply of energy for those premises in accordance with the provisions of the Special Act and of the said regulations, and they shall furnish and lay any electric lines that may be necessary for the purposes of supplying the maximum power with which any such owner or occupier is entitled to be supplied under the Special Act subject to the conditions following; (that is to say):—

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of that owner or in the possession of that occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from

any distributing main of the Undertakers, although not on that property, shall, if the Undertakers so require, be defrayed by that owner or occupier.

(2) Every owner or occupier of premises requiring a supply of energy shall—

(a) Serve a notice upon the Undertakers specifying the premises in respect of which the supply is required and the maximum power required to be supplied and the day (not being an earlier day than a reasonable time after the date of the service of the notice) upon which the supply is required to commence; and

(b) If required by the Undertakers enter into a written contract with them to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of the supply, and if required by the Undertakers give to them security for the payment to them of all moneys which may become due to them by the owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

(3) Provided always, that the Undertakers may, after they have given a supply of energy in respect of any premises, by notice in writing, require the owner or occupier of those premises, within seven days after the date of the service of the notice, to give to them security for the payment of all moneys which may become due to them in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of the notice, the Undertakers may, if they think fit, discontinue to supply energy for the premises so long as the failure continues.

(4) Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner, or uses the energy supplied to him by the Undertakers for any purposes, or deals with it in any manner so as to interfere unduly or improperly with the efficient supply of energy to any other body or person by the Undertakers, the Undertakers may, if they think fit, discontinue to supply energy to those premises so long as the lamp or burner is so used, or the energy is so used or dealt with.

(5) Provided also, that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines, fittings, and apparatus therein are in good order and condition, and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

(6) If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines, fittings, or apparatus, that difference shall be determined by arbitration.

Section 28. (Maximum power).

Modified for incorporation as follows :—

28.—(1) The maximum power with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers, and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of that consumer, or any fittings or apparatus of the Undertakers upon those premises, consequent upon the alteration, shall be paid by him to the Undertakers, and may be recovered before a court of summary jurisdiction.

Maximum power.

(2) If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, that difference shall be determined by arbitration.

Section 29. (Supply of energy to public lamps.)

Supply of
energy to
public lamps.

Modified for incorporation as follows:—

29. The Undertakers shall, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purpose of general supply under the Special Act, or the regulations of the Ministry of Commerce, give and continue to give a supply of energy to those lamps in such quantities as the local authority may require to be supplied.

Section 30. (Penalty for failure to supply.)

Penalty for
failure to
supply.

Modified for incorporation as follows:—

30.—(1) Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to supply energy under the Special Act, they shall be liable in respect of each default to a penalty not exceeding forty shillings for each day on which the default occurs.

(2) Where the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under the Special Act, the Undertakers shall be liable in respect of each default to a penalty not exceeding forty shillings for each lamp, and for each day on which the default occurs.

(3) Whenever the Undertakers make default in supplying energy in accordance with the terms of the regulations of the Ministry of Commerce they shall be liable to such penalties as are prescribed by the regulations in that behalf.

(4) Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate in respect of any defaults not being wilful defaults on the part of the Undertakers the sum of fifty pounds for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court are of opinion that the default was caused by inevitable accident or force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply.

Section 31. (Methods of charging.)

Methods of
charging.

Modified for incorporation as follows:—

31.—(1) The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

- (1) By the actual amount of energy so supplied ; or
- (2) By the electrical quantity contained in the supply ; or
- (3) By such other method as may for the time being be approved by the Ministry of Commerce.

(2) Provided that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall, give notice to the local authority by what method they propose to charge for energy supplied through that main ; and, where the Undertakers have given any such notice, they shall not be entitled to change that method of charging except after one month's notice of the change has been given by them to the local authority, and in any case to every consumer of energy who is supplied by them from the main.

Section 32. (Maximum Prices).
 Excepted from Incorporation.

Section 33. (Other charges by agreement.)
 Modified for incorporation as follows:—

33. Subject to the provisions of the Special Act and of the principal Acts the Undertakers may make any agreement with a consumer as to the price to be charged for energy, and the mode in which those charges are to be ascertained, and may charge accordingly.

Other charges
 by agreement.

Section 34. (Price to public lamps.)
 Modified for incorporation as follows:—

34. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, shall be determined by arbitration, regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose, and the prices charged to ordinary consumers in the district.

Price to public
 lamps.

Section 35. (Appointment of electric inspectors.)
 Modified for incorporation as follows:—

35. The Ministry of Commerce on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under the Special Act.

Appointment
 of electric
 inspectors.

Section 36. (Duties of electric inspectors.)
 Modified for incorporation as follows:—

36.—(1) The duties of an electric inspector under the Special Act shall be as follows:—

Duties of
 electric
 inspectors.

- (a) The inspection and testing of the Undertakers' electric lines and works and the supply of energy given by them ;
- (b) The certifying and examination of meters ; and
- (c) Such other duties in relation to the undertaking as may be required of him under the provisions of the Special Act or of the regulations of the Ministry of Commerce.

(2) The Ministry of Commerce may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the Ministry of Commerce.

Section 37. (Remuneration of electric inspectors.)
 Excepted from incorporation.

Section 38. (Notice of accidents and inquiries by Board of Trade).
 Modified for incorporation as follows:—

38.—(1) The Undertakers shall send to the Ministry of Commerce notice of any accident by explosion or fire, and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which has occurred in any part of the Undertakers' works or their circuits or in connexion with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Undertakers.

Notice of
 accidents and
 inquiries by
 Ministry of
 Commerce.

If the Undertakers fail to comply with the provisions of this sub-section they shall be liable for each default to a penalty not exceeding twenty pounds.

(2) The Ministry of Commerce may also, if it deems it necessary, appoint any electric inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, whether notice of the accident has or has not been received from the Undertakers', or as to the manner and extent in and to which the provisions of the Special Act and the principal Acts and of the regulations of the Ministry of Commerce so far as those provisions affect the safety of the public have been complied with by the Undertakers ; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under the Special Act.

Section 39. (Testing of mains.)

Excepted from incorporation.

Section 40. (Testing of works and supply on consumer's premises.)

Excepted from incorporation.

Section 41. (Undertakers, not being local authority, to establish testing stations.)

Excepted from incorporation.

Section 42. (Undertakers to keep instruments on their premises.)

Excepted from incorporation.

Section 43. (Readings of instruments to be taken.)

Excepted from incorporation.

Section 44. (Electric inspector may test Undertakers' instruments.)

Excepted from incorporation.

Section 45. (Representation of Undertakers at testings.)

Excepted from incorporation.

Section 46. (Undertakers to give facilities for testing.)

Excepted from incorporation.

Section 47. (Report of results of testing.)

Excepted from incorporation.

Section 48. (Expenses of electric inspector.)

Excepted from incorporation.

Section 49. (Meters to be used except by agreement.)

Modified for incorporation as follows :—

Meters to be used except by agreement.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under the Special Act, or the electrical quantity contained in the supply (according to the method by which the Undertakers elect to charge), hereinafter referred to as "the value of the supply," shall, except as otherwise agreed between the consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of the Special Act, and fixed and connected with the service lines in some manner approved by the Ministry of Commerce.

Section 50. (Meter to be certified.)

Modified for incorporation as follows :—

Meter to be certified.

50. A meter shall be considered to be duly certified under the provisions of the Special Act if it be certified by an electric inspector appointed under the Special Act to be a meter capable of ascertaining the value of the supply within such limits of error as may, as respects meters of the class to which the meter belongs, be allowed by the Ministry of Commerce, and to be of some construction and pattern approved by the Ministry of Commerce, and every such meter is hereinafter referred to as a "certified meter": Provided that, where any alteration is made in any certified meter, that meter shall cease to be a certified meter unless and until it is again certified as a certified meter under the provisions of the Special Act.

Section 51. (Inspector to certify meter.)

Modified for incorporation as follows :—

Inspector to certify meter.

51. An electric inspector, on being required to do so by the Undertakers or by any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter used or intended to be used for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified, and the inspector shall, on the like requisition and payment, examine the manner in which any such meter has been fixed and connected with the service lines, and shall certify that it has been fixed and connected with the service lines in some manner approved by the Ministry of Commerce, if he considers that it is entitled to be so certified.

Section 52. (Undertakers to supply meters if required to do so.)

Modified for incorporation as follows :—

52. Where the value of the supply is under the Special Act required to be ascertained by means of an appropriate meter, the Undertakers shall, if required by any consumer, supply him with an appropriate meter, and shall, if required, fix it upon the premises of the consumer and connect the service lines therewith and procure the meter to be duly certified under the provisions of the Special Act, and for those purposes may authorise and empower any officer or person to enter upon the premises at all reasonable times and execute all necessary works and do all necessary acts : provided that previously to supplying any such meter the Undertakers may require the consumer to pay to them a reasonable sum in respect of the price of the meter, or to give security therefor, or (if he desires to hire the meter) may require him to enter into an agreement for the hire of the meter as hereinafter provided.

Undertakers to supply meters if required to do so.

Section 53. (Meters not be connected or disconnected without notice.)

Modified for incorporation as follows :—

53. The Undertakers shall not, nor shall any consumer, connect any meter used or to be used under the Special Act for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and the Undertakers or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

Provided that the giving of the said notice may in any case be dispensed with by agreement between the Undertakers and the consumer.

Section 54. (Consumer to keep his meter in proper order.)

Incorporated without Modification..

54.—(1) Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in proper order for correctly registering that value, and in default of his so doing the Undertakers may cease to supply energy through the meter.

Consumer to keep his meter in proper order.

(2) The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times : Provided that all reasonable expenses of and incident to any such taking off, removing, testing, inspecting, and replacing, and the procuring the meter to be again duly certified where the re-certifying is thereby rendered necessary, shall, if the meter is found to be not in proper order, be paid by the consumer, but if it is found to be in proper order all expenses connected therewith shall be paid by the Undertakers.

Section 55. (Power to the Undertakers to let meters.)

Modified for incorporation as follows :—

55. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of the meter and fittings, and for securing the safety and return to the Undertakers of the meter and fittings, as may be agreed upon between the hirer and the Undertakers, or, in case of difference, determined by the Ministry of Commerce, and that remuneration shall be recoverable by the Undertakers before a court of summary jurisdiction.

Power to the Undertakers to let meters.

Section 56. (Undertakers to keep meters let for hire in repair.)

Incorporated without Modification..

56. The Undertakers shall, unless the agreement for hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering that value, and in default of their doing so the consumer shall not be liable to pay rent for the meters during such time as the default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times : Provided that the expenses of procuring any such meter to be again duly certified, where that re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

Undertakers to keep meters let for hire in repair.

Section 57. (Differences as to correctness of meter to be settled by inspector.)

Modified for incorporation as follows:—

Differences as to correctness of meter to be settled by inspector.

57. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to the consumer or to the Undertakers), is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter; that difference shall be determined upon the application of either party by an electric inspector to be appointed by the Ministry of Commerce, and that inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of the inspector shall be final and binding on all parties.

Subject as aforesaid, the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Section 58. (Undertakers to pay expenses of providing new meters where method of charge altered.)

Modified for incorporation as follows:—

Undertakers to pay expenses of providing new meters where method of charge altered.

58. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from the main, the Undertakers shall pay to that consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to the new method of charging, and those expenses may be recovered by the consumer from the Undertakers before a court of summary jurisdiction.

Section 59. (Undertakers may place meters to measure supply or to check measurement.)

Incorporated without modification.

Undertakers may place meters to measure supply or to check measurement.

59. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to the consumer or the number of hours during which the supply is given, or the maximum power taken by the consumer, or any other quantity or time connected with the supply: Provided that the meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Ministry of Commerce, and shall be supplied and maintained entirely at the cost of the Undertakers, and shall not, except by agreement, be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Section 60. (Map of area of supply to be made.)

Modified for incorporation as follows:—

Map of area of supply to be made.

60.—(1) The Undertakers shall forthwith after commencing to supply energy under the Special Act cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause that map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Ministry of Commerce or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Ministry of Commerce prescribes.

(2) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and those applicants may take copies of it or any part thereof. The Undertakers may demand and take from every such applicant such fee not exceeding one shilling for each inspection of the map, section, or copy, and such further fee not exceeding five shillings for each copy of it, or any part thereof, taken by the applicant, as they prescribe.

(3) The Undertakers shall, if required by the Ministry of Commerce or the Postmaster-General, or by the local authority, supply to them or him a copy of any such map or section and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

(4) If the Undertakers fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

Section 61. (Notices, &c., may be printed or written.)

Modified for incorporation as follows :—

61. Notices, orders, and other documents under the Special Act may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

Notices, &c., may be printed or written.

Section 62. (Service of notices, &c.)

Modified for incorporation as follows :—

62.—(1) Any notice, order, or document required or authorised to be served upon any body or person under the Special Act or the principal Acts may be served by being addressed to that body or person, and being left at or transmitted through the post to the following addresses respectively :—

Service of notices, &c.

- (a) in the case of the Ministry of Commerce, the office of the Ministry of Commerce ;
- (b) in the case of the Postmaster-General, the General Post Office ;
- (c) in the case of any county council, the office of that council ;
- (d) in the case of any local authority, the office of that local authority ;
- (e) in the case of the Undertakers, the principal office of the Undertakers ;
- (f) in the case of a company having a registered office, at that registered office, and in the case of a company having an office or offices, but no registered office, the principal office of the company ;
- (g) in the case of any other person, the usual or last-known place of abode of that person.

(2) A notice, order, or document by this schedule required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the " owner " or " occupier " of the premises (naming the premises) without further name or description.

(3) A notice, order, or document by the Special Act required or authorised to be served on the owner or occupier of premises may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

(4) Subject to the provisions of the Special Act as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of the Special Act and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of that time ; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

34 & 35 Vict. c. 17.

Section 63. (Revocation of Order where Undertakers are insolvent.)

Excepted from incorporation.

Section 64. (Revocation of order where undertaking cannot be carried on with profit.)

Excepted from incorporation.

Section 65. (Revocation where local authority are Undertakers and works are not executed.)

Excepted from incorporation.

Section 66. (Revocation of order with consent.)

Excepted from incorporation.

Section 67. (Provisions where order revoked.)

Excepted from incorporation.

Section 68. (Provisions where local authority are Undertakers and Order is revoked).

Excepted from incorporation.

Section 69. (Remedying of system and works.)

Modified for incorporation as follows:—

Remedying of
system and
works.

69.—(1) If at any time it is established to the satisfaction of the Ministry of Commerce:—

- (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Ministry of Commerce or (except in accordance with the provisions of the Special Act) have permitted any part of their circuits to be connected with earth or placed any electric line above ground; or
- (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of the Special Act or the regulations of the Ministry of Commerce; or
- (c) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General,

the Ministry of Commerce may by order specify the matter complained of and require the Undertakers to abate or discontinue it within such period as is therein limited in that behalf, and if the Undertakers make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues.

(2) The Ministry of Commerce may also if it thinks fit by the same or any other order forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which the user continues.

Section 70. (Publication of Regulations.)

Excepted from incorporation.

Section 71. (Nature and amount of security.)

Excepted from incorporation.

Section 72. (Proceedings of Board of Trade.)

Excepted from incorporation.

Section 73. (Approval or consent of Board of Trade.)

Modified for incorporation as follows:—

Approval or
consent of
Ministry of
Commerce.

73.—(1) Where the Special Act provides for any consent or approval of the Ministry of Commerce, the Ministry may give that consent or approval subject to terms or conditions, or may withhold its consent or approval, as in its discretion it may think fit.

(2) All costs and expenses of or incident to any approval, consent, certificate, or order of the Ministry of Commerce or of any inspector or person appointed by the Ministry of Commerce, including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Ministry of Commerce certifies to be due, shall be borne and paid by the applicant therefor.

Provided that where any approval is given to any plan, pattern, or specification, the Ministry of Commerce may require such copies of the plan, pattern, or specification as it thinks fit to be prepared and deposited at

its office at the expense of the applicant, and may revoke any approval so given, or permit the approval to be continued, subject to such modifications as it may think necessary.

Section 74. (Notice of approval of Board of Trade, &c., to be given by advertisement.)

Excepted from incorporation.

Section 75. (Notice of application for extension of time, &c., to be given to local authority.)

Excepted from incorporation.

Section 76. (Recovery and application of penalties.)

Modified for incorporation as follows :—

76. All penalties, fees, expenses and other monies recoverable under the Special Act or under the regulations of the Ministry of Commerce the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction (Ireland) Acts.

Recovery of penalties.

Section 77. (Undertakers to be responsible for all damages.)

Incorporated without modification.

77. The Undertakers shall be answerable for all accidents, damages and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies and persons by whom any street is repairable, and all other authorities, companies and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages and injuries.

Undertakers to be responsible for all damages

Section 78. (As to Mortgages.)

Excepted from incorporation

Section 79. (Saving for Postmaster-General.)

Modified for incorporation as follows :—

79. Nothing in the Special Act shall affect any right or remedy of the Postmaster-General under the principal Acts or the Telegraph Acts, 1863 to 1926, and all provisions contained in the Special Act in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving for Postmaster-General.

Section 80. (Saving rights of the Crown in the foreshore.)

Modified for incorporation as follows :—

80. Nothing in the Special Act shall authorise the Undertakers to take, use or in any manner interfere with any portion of any shore, bed of the sea, river, channel, creek, bay or estuary, or any right in respect thereof belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of His Majesty (which consent the Board of Trade may give), neither shall anything in the Special Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving rights of the Crown in the foreshore.

Section 81. (Undertakers not exempted from proceedings for nuisance.)

Excepted from incorporation.

Section 82. (Provision as to general Acts.)

Modified for incorporation as follows :—

82. Nothing in the Special Act shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the passing of the Special Act.

Provisions as to general Acts.

Section 83. (Application to Scotland.)

Excepted from incorporation.

Section 84. (Application to Ireland.)

Modified for incorporation as follows :—

84. Where the repair of any street or public bridge in a rural district is a public work within the meaning of the Local Government (Ireland) Act, 1898; that street or bridge shall, for the purposes of the provisions of this schedule, be deemed to be repairable by the county council and not by the district council.

Application to Ireland.