

a person in his place and any person so co-opted shall, unless he dies or ceases to hold office as aforesaid, hold office for so long as his predecessor would have held office.

4. These Rules may be cited as the Egg Marketing Committee (Term of Office of Members) Rules (Northern Ireland), 1942, and shall be construed as one with the Egg Marketing Committee (Term of Office of Members) Rules (Northern Ireland), 1936.

(Signed) *Glentoran*,
Minister of Agriculture for
Northern Ireland.

ELECTRICITY.

Application of Enactments to Ministry of Commerce.

ORDER IN COUNCIL, DATED 6TH NOVEMBER, 1942, MADE UNDER SECTION 2 OF THE ELECTRICITY (EMERGENCY SUPPLIES) ACT (NORTHERN IRELAND), 1942.

1942. No. 209.

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND.

ABERCORN.

WHEREAS by sub-sections (1) and (2) of section two of the Electricity (Emergency Supplies) Act (Northern Ireland), 1942 (in this Order referred to as "the Act") it is enacted that, subject to the provisions and for the purposes of the Act, the Ministry of Commerce (in this Order referred to as "the Ministry") shall be deemed to be authorised undertakers within the meaning of the Electricity (Supply) Acts (Northern Ireland), 1882 to 1936; that the Act in relation to the Ministry shall be deemed to be a special Act for the purposes of the said Acts; that for the purposes of the said section there shall be incorporated with the Act the provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899; and that the provisions of the said Electricity (Supply) Acts and Schedule shall, in their application to the Ministry, be subject to such exceptions and modifications as may be made during the period of the present emergency by the Governor of Northern Ireland by Order in Council:

NOW, THEREFORE, I, JAMES ALBERT EDWARD, DUKE OF ABERCORN, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of Saint Patrick, Governor of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in

exercise of the powers conferred upon me by the enactments of the Act hereinbefore recited, do hereby order as follows :—

1. This Order may be cited as the Electricity (Emergency Supplies) Application of Enactments Order, 1942.

2. The provisions of the Electricity (Supply) Acts (Northern Ireland), 1882 to 1936 (in this Order referred to as "the applied Acts") shall, in their application to the Ministry, acting as authorised undertakers, be subject to the exceptions and modifications set out in paragraphs 3 to 6 of this Order, save where inconsistent with the provisions of any subsequent Order in Council made during the period of the present emergency under sub-section (2) of section two of the Act. Except as aforesaid, the applied Acts apply to the Ministry, acting as authorised undertakers, without exceptions or modifications.

3. Where, by virtue of the Act, the Ministry is acting as authorised undertakers with respect to—

(a) any generating station or main transmission line constructed or acquired by the Ministry under the Act, or

(b) any undertaking acquired by the Ministry under the Act from other authorised undertakers,

any provisions of the applied Acts, whereby the doing of any thing or the taking of any steps by the undertakers is subject to the consent, approval or authority of the Ministry, shall not have effect : Provided that the Ministry, before doing such thing or taking such steps as aforesaid, shall afford to any person or body the like opportunity of being heard, or of making an objection, as such person or body would have if the consent, approval or authority of the Ministry were required to be obtained.

4. The provisions of the applied Acts with respect to the making, confirmation and approval of special orders shall apply so as to enable the Ministry, acting as authorised undertakers, to obtain a special order for any purpose for which such an order can be obtained by other authorised undertakers : Provided that the applied Acts shall not have effect so as to enable the Ministry to be or become authorised undertakers except with respect to—

(a) any generating station or main transmission line constructed or acquired by the Ministry under the Act, or

(b) any undertaking acquired by the Ministry under the Act from other authorised undertakers.

5. Where any matter is by, or by virtue of, the applied Acts directed to be determined by arbitration or by the Ministry, and the Ministry, acting as authorised undertakers, is one of the parties concerned, the matter in question shall be referred to and determined by the arbitration:

of such engineer or other fit person as may be agreed upon between the Ministry and the other party concerned or, in default of agreement, appointed by the Lord Chief Justice of Northern Ireland; and, as respects any arbitration to which this paragraph applies, the Second Schedule to the Act shall be substituted for section twenty-eight of the Electric Lighting Act, 1882.

6.—(1) In the Electric Lighting Act, 1882—

(a) paragraphs (d), (e) and (f) of section six shall be omitted;

(b) sections nine and nineteen shall not have effect;

(c) in section twenty-six the words from "In the event of" to "without previous notice" shall be omitted.

(2) In the Electric Lighting Act, 1888, sections two and three and sub-section (3) of section four shall not have effect.

(3) In the Electric Lighting Act, 1909, sections two and three, sub-section (3) of section six, and sections seven and twelve shall not have effect.

(4) In the Electricity (Supply) Act, 1919, sections eleven, nineteen, twenty-four and twenty-seven shall not have effect.

(5) In the Electricity (Supply) Act (Northern Ireland), 1931, sections twelve, fifteen, sixteen, twenty-three, thirty-eight and forty-four shall not have effect.

(6) In the Electricity (Supply) Act (Northern Ireland), 1933, the following sub-section shall be substituted for sub-section (4) of section seven, that is to say:—

"(4) Not less than one month before making any byelaw under this section, the authorised undertakers shall deposit a draft of the proposed byelaw at such places as the authorised undertakers think fit, and shall publish in such manner as they think fit a notice of the deposit and of the intention to make the proposed byelaw."

7.—(1) The provisions of the Schedule to the Electric Lighting (Clauses) Act, 1899 (in this Order referred to as "the Schedule of 1899") as incorporated with the Act for the purposes of section two thereof, shall, in their application to the Ministry acting as authorised undertakers, be subject to the exceptions and modifications set out hereafter in this paragraph and in the Schedule to this Order, save where inconsistent with the provisions of any subsequent Order in Council made during the period of the present emergency under sub-section (2) of section two of the Act.

(2) Sections 2 to 8 (both inclusive), 10, 21, 23 to 30 (both inclusive), 32, 35 to 48 (both inclusive), 50, 51, 60, 63 to 75 (both inclusive), and 78 of the Schedule of 1899 are hereby excepted from application to the Ministry, as mentioned in the Schedule to this Order.

(3) Sections 1, 9, 11 to 20 (both inclusive), 22, 31, 33, 34, 49, 52 to 59 (both inclusive), 61, 62, 76, 79, 80, 81, 82 and 84 of the Schedule of 1899 are hereby modified as set out in the Schedule to this Order in their application to the Ministry.

(4) Section 77 of the Schedule of 1899 applies to the Ministry without modification, as appearing in the Schedule to this Order.

8. This Order shall come into force as soon as it has lain before each House of Parliament for the statutory period (as defined in subsection (1) of section twelve of the Act) if neither of those Houses before the expiration of that period presents an Address to the Governor of Northern Ireland against this Order or any provision thereof.

Given at Government House, Hillsborough, this sixth day of November, 1942.

John M. Andrews.

J. F. Gordon,

Basil Brooke.

William Grant.

SCHEDULE.

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

Section 1. (Interpretation).

Modified for incorporation as follows :—

Interpretation,

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 1942, 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—

The expression "the Special Act" means the Electricity (Emergency Supplies) Act (Northern Ireland), 1942, with which the modified provisions of this schedule are incorporated and includes those provisions as so incorporated ;

The expression "Undertakers" means the Ministry ;

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 " area of supply " means any area within which the Ministry is for the time being authorised to supply energy by virtue of the Special Act ;

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 ;

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.

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).

Excepted from incorporation.

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

Modified for incorporation as follows :—

9. No matter or thing done 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 bona fide for the purpose of executing the Special Act, subject any of them personally to any action, liability, claim or demand whatsoever ; and any expense incurred by an officer or other person acting as last aforesaid shall be

Protection of Undertakers and their officers from personal liability.

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).

Excepted from incorporation.

Section 11. (Additional provisions as to works).

Modified for incorporation as follows :—

Additional provisions as to works.

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.

Section 12. (Powers for execution of works).

Modified for incorporation as follows :—

Powers for execution of works.

12.—(1) Subject to the provisions of the principal Acts and the Special Act, the Undertakers may exercise all or any of the powers conferred on them by those Acts, and may break up such streets not repairable by the local authority and such railways and tramways (if any) as they are specially authorised to break up by any special order, so far as those streets, railways and tramways may for the time being be, or be upon, land dedicated to public use : Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

(2) Nothing in the Special Act shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as they are specially authorised to break up by any special order, without the consent of the authority, company or person by whom that street, railway or tramway is repairable ; and where any such consent is refused, the Undertakers may appeal to an arbitrator to be appointed under the provisions of the Special Act, and the arbitrator may inquire into the matter and allow or disallow the appeal, and in the former case may order that the said consent shall be dispensed with.

Where the said consent is given or dispensed with, the provisions of the Special Act shall apply to the street, railway or tramway as if the Undertakers had been specially authorised to break it up by a special order.

Section 13. (Street boxes).

Modified for incorporation as follows :—

Street boxes.

13.—(1) Subject to the provisions of the principal Acts and the Special Act, 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.

(2) Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Undertakers otherwise order, 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 Undertakers shall, after consultation with the local authority, publish

a notice as to the hours during which the Undertakers are to have access to the boxes.

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 an arbitrator to be appointed under the provisions of the Special Act, and the arbitrator 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 such 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 an arbitrator, 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.

(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 :—

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

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 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 an arbitrator to be appointed under the provisions of the Special Act ;
- (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 hereinbefore 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 ; and 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.

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

Modified for incorporation as follows :—

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.

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

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 hereinafter 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) 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, etc., under streets).

Modified for incorporation as follows :—

As to alteration of pipes, wires, etc., under streets.

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:—

- (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 an arbitrator to be appointed under the provisions of the Special Act;
- (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 or 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 hereinafter 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 ;

- (f) 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.

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

Modified for incorporation as follows :—

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.

Laying of electric lines, etc., near sewers, etc., or gas, or water-pipes, or other electric lines.

(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 ; and the Undertakers shall not, except with the consent of the gas, electric supply or water company (as the case may be) 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 an arbitrator to be appointed under the provisions of the Special Act.

(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.

(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 :—

For protection of railway and canal companies.

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.

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

Modified for incorporation as follows :—

For protection of telegraphic and telephonic wires.

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.

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 an arbitrator to be appointed under the provisions of the Special Act ; 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 an arbitrator to be appointed as aforesaid :

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.

(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, etc., 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).

Modified for incorporation as follows :—

22. The Undertakers shall, twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply, serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay the electric line. As to laying of electric line under special agreement.

Section 23. (If Undertakers fail to lay down mains, etc., 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).

Excepted from incorporation.

Section 28. (Maximum power).

Excepted from incorporation.

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

Excepted from incorporation.

Section 30. (Penalty for failure to supply).

Excepted from incorporation.

Section 31. (Methods of charging).

Modified for incorporation as follows :—

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

- (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 deemed by the Undertakers to be suitable :

Provided that the Undertakers shall from time to time give notice to the local authority by what method they propose to charge for energy supplied through any distributing main for the purposes of general supply.

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 :—

Price to public lamps.

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 an arbitrator to be appointed under the provisions of the Special Act, 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.

Section 35. (Appointment of electric inspectors).

Excepted from incorporation.

Section 36. (Duties of electric inspectors).

Excepted from incorporation.

Section 37. (Remuneration of electric inspectors).

Excepted from incorporation.

Section 38. (Notice of accidents and inquiries by Board of Trade).

Excepted from incorporation.

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.

Section 50. (Meter to be certified).

Excepted from incorporation.

Section 51. (Inspector to certify meter).

Excepted from incorporation.

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 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 to 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 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).

Modified for incorporation as follows :—

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, 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 an arbitrator to be appointed under the provisions of the Special Act, and that remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meters.

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

Modified for incorporation as follows :—

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

Undertakers to keep meters let for hire in repair.

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.

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 arbitration.

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 arbitrator to be appointed under the provisions of the Special Act, and that arbitrator 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 arbitrator 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 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 summarily as a civil debt.

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

Modified for incorporation as follows :—

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 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).

Excepted from incorporation.

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

Modified for incorporation as follows :—

Notices, etc., may be printed or written.

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.

Section 62. (Service of notices, etc.).

Modified for incorporation as follows :—

Service of notices, etc.

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 :—

- (a) in the case of the Undertakers, the office of the Ministry ;
- (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 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 ;
- (f) 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 Holidays 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).

Excepted from incorporation.

Section 70. (Publication of regulations).

Excepted from incorporation.

Section 71. (Nature and amount of security).

Excepted from incorporation.

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

Excepted from incorporation.

Section 74. (Notice of approval of Board of Trade, etc., to be given by advertisement).
Excepted from incorporation.

Section 75. (Notice of application for extension of time, etc., to be given to local authority).
Excepted from incorporation.

Section 76. (Recovery and application of penalties).

Modified for incorporation as follows :—

Recovery of penalties.

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

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

Incorporated without modification.

Undertakers to be responsible for all damages.

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.

Section 78. (As to mortgages).

Excepted from incorporation.

Section 79. (Saving for Postmaster-General).

Modified for incorporation as follows :—

Saving for Postmaster-General.

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 1940, 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.

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

Modified for incorporation as follows :—

Saving rights of the Crown in the foreshore.

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 or the Minister of War Transport, without the previous consent in writing of the said Board or Minister on behalf of His Majesty, 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 exercisable by the King's Majesty.

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

Modified for incorporation as follows :—

Undertakers not exempted from proceedings for nuisance.

81. Nothing in the Special Act shall exonerate the Undertakers from any indictment, action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Section 82. (Provision as to general Acts).

Modified for incorporation as follows :—

Provision as to general Acts.

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 electricity which may be passed after the passing of the Special Act.

Section 84. (Application to Northern 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. Public works
in rural
districts.

EXCHEQUER BORROWING.

Exchequer (Temporary Investment)
Account, p. 91.

Government of Northern Ireland:
3½% Stock 1950-1954
(Sinking Fund), p. 89.

Exchequer Borrowing.

Sinking Fund for Northern Ireland, 3½% Stock, 1950-1954.

REGULATIONS, DATED 26TH MARCH, 1942, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 9 OF THE EXCHEQUER AND FINANCIAL PROVISIONS ACT (NORTHERN IRELAND), 1939; SECTION 4 OF THE GOVERNMENT LOANS ACT (NORTHERN IRELAND), 1939, AND SECTION 2 OF THE EXCHEQUER AND FINANCIAL PROVISIONS ACT (NORTHERN IRELAND), 1941.

1942. No. 46.

WHEREAS under Section 5 of the Exchequer and Financial Provisions Act (Northern Ireland), 1933, as amended by Section 2 of the Exchequer and Financial Provisions Act (Northern Ireland), 1941, sums raised by the issue of Ulster Savings Certificates may be applied, in such manner as may be provided by Regulations made by the Ministry of Finance (hereinafter referred to as "the Ministry") for the purpose of the repayment of loans or advances made to the Exchequer out of moneys raised by the Ministry:

AND WHEREAS on the thirtieth day of May, 1939, the Ministry, in exercise of the powers conferred upon it by Sections 2 and 9 of the Exchequer and Financial Provisions Act (Northern Ireland), 1939, made an instrument containing (among other things) Regulations (hereinafter referred to as "the principal Regulations") with respect to the redemption and repayment of Government of Northern Ireland 3½ per cent. Stock, 1950-1954, thereby created:

AND WHEREAS a Sinking Fund, known as the "Ministry of Finance for Northern Ireland Sinking Fund No. 4 (3½ per cent. Stock Redemption)" and hereinafter referred to as "the Sinking Fund", has accordingly been established for the redemption of the said Stock: