

Electric Lighting (Clauses) Act, 1899.

[62 & 63 VICT. CH. 19.]

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A.D. 1899.

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CHAPTER 19.

An Act for incorporating in one Act certain provisions usually contained in Provisional Orders made under the Acts relating to Electric Lighting. [9th August 1899.] A.D. 1899.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The provisions contained in the schedule to this Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after the commencement of this Act under the Electric Lighting Acts, save so far as they are expressly varied or excepted by the Order, and shall, subject to any such variations or exceptions, apply, so far as applicable, to the undertaking authorised by the Order.

Provisions in schedule to be incorporated in Electric Lighting Orders.

The said provisions shall also, with the necessary modifications, and in particular with the substitution of the words "special Act" for "special Order," be incorporated with any special Act, save so far as they are expressly varied or excepted thereby.

The expression "Electric Lighting Acts" means in this Act the Electric Lighting Acts, 1882 and 1888, and, so far as respects Scotland, the Electric Lighting Acts, 1882 and 1888, and the Electric Lighting (Scotland) Act, 1890.

45 & 46 Vict. c. 56.
51 & 52 Vict. c. 12.
53 & 54 Vict. c. 13.

The expression "special Act" means in this Act any Act passed after the commencement of this Act authorising the supply of electricity for any public or private purposes within any area.

2.—(1.) This Act may be cited as the Electric Lighting (Clauses) Act, 1899.

Short title, extent, and commencement.

(2.) Except so far as any of the provisions contained in the schedule to this Act are incorporated with any Provisional Order made by the Board of Trade under the Electric Lighting Acts extending to the county of London, or with any special Act so extending, this Act shall not apply to the county of London.

(3.) This Act shall come into operation on the first day of October one thousand eight hundred and ninety-nine.

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SCHEDULE.

Interpretation. 1. The provisions of this schedule are to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 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 Act"; and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this schedule the same respective meanings, provided that in this schedule—

The expression "the Special Order" means any Provisional Order made by the Board of Trade under the principal Act with which the provisions of this schedule are incorporated and includes those provisions as so incorporated :

The expression "energy" means electrical energy, and for the purposes of applying the provisions of the principal Act to the Special Order 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 the area within which the Undertakers are, for the time being, authorised to supply energy under the Special Order :

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 :

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

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

41 & 42 Vict.
c. 76.

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor: A.D. 1899.

The expression "Board of Trade regulations" means any regulations or conditions affecting the undertaking made by the Board of Trade under the principal Act or the Special Order, for securing the safety of the public or for insuring a proper and sufficient supply of energy:

The expression "deposited map" means the map of the area of supply deposited at the Board of Trade by the Undertakers together with the Special Order, and signed by an assistant secretary to the Board of Trade:

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 Board of Trade may approve of for both plan and section, together with such detail plan and sections as may be necessary.

Provisions as to Undertakers.

2.—(1.) The Undertakers shall be the authority, company, or other person named for that purpose in the Special Order. Description of Undertakers.

(2.) If, in a case where the Undertakers are not the local authority, the undertaking or any part thereof is at any time purchased by the local authority in accordance with the Special Order or the principal Act the local authority shall from the date on which the purchase takes effect be the Undertakers in relation to the undertaking or part thereof for the purposes of the Special Order in lieu of the persons mentioned therein as Undertakers.

3.—(1.) The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any company or person supplying energy under any licence, Provisional Order, or Special Act, unless the Undertakers are authorised by Parliament to do so. Undertakers not to purchase other undertakings.

(2.) If in contravention of this section the Undertakers purchase or acquire any such undertaking, or associate themselves with any such other company or person, the Board of Trade may, if they think fit, revoke the Special Order upon such terms as they think just.

Area of Supply.

4.—(1.) The area of supply shall be the area named for that purpose in the Special Order. Area of supply and prohibition of supply beyond area.

(2.) The Undertakers shall not at any time after the commencement of the Special Order supply energy or (except for the purposes of that Order) erect or lay down any electric lines or works beyond the area of supply otherwise than under the authority of Parliament, or under a licence granted by the Board of Trade under the principal Act.

(3.) If the Undertakers supply energy or erect or lay down electric lines or works in contravention of this section, the Board of Trade may, if they think fit, revoke the Special Order on such terms as they think just.

Security and Accounts.

5. The following provisions shall apply as to giving security in cases where the Undertakers are not a local authority:— Security for execution of works.

(1.) The Undertakers within a period of six months after the commencement of the Special Order, and before exercising any of the powers conferred by that Order on them in relation to the execution of works,

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shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by that Order throughout the area of supply.

(2.) The Undertakers shall also, within six months after the commencement of the Special Order, or within such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade such sum as may be fixed by the Special Order, or, if not so fixed, by the Board of Trade.

(3.) If the Undertakers fail to show to the satisfaction of the Board of Trade within any such period as aforesaid that they are in such a position as above mentioned, or fail to deposit or secure such sum as aforesaid, the Board of Trade may, after considering any representations which the local authority may make, revoke the Special Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they think just.

(4.) The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them in equal moieties, when and so soon as it may be certified by an inspector (to be appointed by the Board of Trade) that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of the Special Order in every street or part of a street in which they are required by that Order to lay down distributing mains within a limited time, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

(5.) Where the area of supply includes the districts or parts of the districts of two or more local authorities, the Board of Trade may require the deposit to be made or the security given in respect of those districts severally, and in that case the deposit or security shall be repaid or released separately as to each district.

Audit of
Undertakers'
accounts.

45 & 46 Vict.
c. 56.

6. The following provisions shall apply as to the audit of accounts where the Undertakers are not a local authority:—

(1.) The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall be examined and audited by such competent and impartial person as the Board of Trade appoint, and the remuneration of the auditor shall be such as the Board of Trade direct, and that remuneration and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

(2.) The Undertakers shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for that purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.

(3.) The Board of Trade may make and vary regulations prescribing the times at and the mode in which the audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

(4.) Any report made by the auditor, or such portion thereof as the Board of Trade direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Application of Money and Purchase of Land, &c. by Local Authority. A.D. 1899.

7. Where a local authority are the Undertakers the following provisions shall have effect :—

Application
of money
received by
local authority
as Under-
takers.

(1.) All moneys received by the Undertakers in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of the Special Order, and (c) other capital money received by them in respect of the Undertaking, shall be applied by them as follows :—

- (a.) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties, and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers, their officers or servants, in relation to the undertaking ;
- (b.) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes ;
- (c.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes ;
- (d.) In payment of all other their expenses of executing the Special Order not being expenses properly chargeable to capital ;
- (e.) In providing a reserve fund, if they think fit, by setting aside such money as they think reasonable, and investing the money and the resulting income thereof in Government securities, or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers, and accumulating it at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking.

The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking, or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking, and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit, and so on as often as the reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit, to the credit of the local rate as defined by the principal Act or at their option shall apply that surplus, or any part thereof, to the improvement of the district for which they are the local authority, or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to that maximum rate of profit.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

(2.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of the Special Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows :—

- (a.) In the reduction of the capital moneys borrowed by them for electricity purposes ;
- (b.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

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Purchase and
use of lands
by local
authority.

8. Where a local authority are the Undertakers the following provisions shall have effect :—

(1.) Subject to the provisions of the Special Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of the Special Order, and may also for those purposes use any other lands for the time being vested in or leased by them, but subject as to the last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of the Special Order : Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

(2.) The Undertakers shall not purchase or acquire for the purposes of the Special Order ten or more houses which on the fifteenth day of December last before the commencement of the Special Order, or in the case of the transfer of an undertaking to a local authority before the date of the transfer, were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, or except with the consent of the Local Government Board, ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(3.) For the purposes of this section the expression "labouring class" means mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of those persons who may be residing with them.

Incorporation
of
38 & 39 Vict.
c. 55. s. 265.

9. Where a local authority are the Undertakers section two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with the Special Order, and in the construction of that section "this Act" shall not mean the Public Health Act, 1875, but shall mean the principal Act and the Special Order, and the "local authority" shall mean the local authority as such Undertakers.

Nature and Mode of Supply.

Systems and
mode of
supply.

10. Subject to the provisions of the Special Order and the principal Act, 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.) The energy shall be supplied only by means of some system approved in writing by the Board of Trade, and subject to the Board of Trade regulations ; and

(b.) The Undertakers shall not, without the express consent of the Board of Trade, and, where the local authority are not themselves the Undertakers of the local authority also, 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 Board of Trade regulations, unless the connexion is for the time being approved by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of that approval.

Works.

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11. The provisions of the Special Order as to works shall be in addition but subject to those of the principal Act, and in particular those of the Gasworks Clauses Act, 1847, with respect to breaking up streets, incorporated in the principal Act and set out in the Appendix to this schedule. Additional provisions as to works.

12.—(1.) Subject to the provisions of the principal Act and the Special Order, the Undertakers may exercise all or any of the powers conferred on them by that Act and Order, 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 the Special Order, so far as those streets, railways, and tramways may for the time being be included in the area of supply, and 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. Powers for execution of works.

(2.) Nothing in the Special Order 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 the Special Order, without the consent of the authority, company, or person, by whom that street, railway, or tramway is repairable, or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give that consent, the provisions of the Special Order shall apply to the street, railway, or tramway to which the consent relates as if the Undertakers had been specially authorised to break it up by that Order.

13.—(1.) Subject to the provisions of the principal Act, and the Special Order, and the Board of Trade regulations, 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, where the local authority are not themselves the Undertakers, 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 Board of Trade 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.) Where the local authority are not themselves the Undertakers, they may, with the approval of the Board of Trade, 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

A.D. 1899. of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

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 :—

(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 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.

No part of the month of August shall be included in calculating the above-mentioned period of one month.

(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 Board of Trade, and the Board of Trade 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 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 Order or the principal Act, 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 Board of Trade, 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 Order and the principal Act.

(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 Order or the principal Act) 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.

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(2.) In the application of this section to a street or public bridge (not within a county borough) which is repairable by the county council, a reference to the county council shall be substituted for a reference to the local authority.

(3.) In the application of this section within any area where the Undertakers are the local authority, the reference to the local authority and to sewers, drains, or tunnels in or under streets or bridges shall not apply, except so far as a reference to the county council is substituted for a reference to the local authority.

(4.) Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under the Special Order 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.

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, including, where the area of supply is not wholly in a county borough, the county council, or over or under any railway, tramway, or canal, the following provisions shall have effect unless otherwise agreed between the parties interested:—

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

- (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 Order, or the principal Act, serve a notice upon the body or person 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, upon paying or securing any compensation which they may be required to pay or secure, 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

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provisions of the Special Order and the principal 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.

(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 Order or the principal Act.

(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 Order or the principal Act) 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.

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 Order, 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 Order or the principal Act, 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. A.D. 1899.

- (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.
- (h.) The givers of the notice may, if they think fit, require the Undertakers where the local authority are not themselves the Undertakers, to give them such security for the repayment to them of any expenses incurred or to be incurred by them under this section as may be determined in manner provided by this schedule. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after the difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon the givers of the notice requiring them to exercise or discharge any powers or duties under this section until the security has been duly given.

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 Order or the principal Act 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.

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

17. The Undertakers may alter the position of any pipes (except, in a case where the local authority are not themselves the Undertakers, 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 Act or the Special Order; 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 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 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, upon paying or securing any compensation which they may be required to pay or secure, 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 Act and the Special Order, 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 herein-after 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

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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.) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by the Special Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute the alterations until the security has been duly given.
- (k.) 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 Order or the principal Act) 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.

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, watercourse, 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

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

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(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 line, 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 Board of Trade; 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 Board of Trade, 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 supplying energy in pursuance of the principal Act but not in pursuance of the Special Order.

(7.) Where the local authority are themselves the Undertakers, the references in this section to the local authority, and to sewers, drains, watercourses, defences, or works under the jurisdiction or control of that local authority, shall not apply.

For protection
of railway
and canal
companies.

19. In the exercise of any of the powers of the Special Order 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 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 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 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.

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(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 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 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.

Compulsory Works.

21.—(1.) The Undertakers shall, within a period of two years after the commencement of the Special Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street specified in that behalf in the Special Order, and shall thereafter maintain those mains.

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

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the

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All such mains as last above mentioned (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of the Special Order has become binding upon them, or within such further time as may in any case be approved by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which the Undertakers are not specially authorised to break up by the Special Order, the Undertakers shall (unless the authority, or person by whom that street is repairable, consent to the breaking up thereof) forthwith apply to the Board of Trade under section thirteen of the Electric Lighting Act, 1882, for the written consent of the Board authorising and empowering the Undertakers to break up that street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

As to laying of electric line under special agreement.

22. Where the local authority are not themselves the Undertakers, 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, and setting forth the effect of this section, and if within that period any two or more of those owners or occupiers require in accordance with the provisions of the Special Order that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for the particular consumer.

If Undertakers fail to lay down mains, &c. Order may be revoked.

23.—(1.) If the Undertakers, not being a local authority, make default in laying down any distributing mains in accordance with the provisions of the Special Order within the periods prescribed in that behalf respectively, they shall be liable for each default to a penalty not exceeding five pounds for each day during which the default continues, and if the Board of Trade are of opinion in any case that the default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, deal with the Special Order in manner provided by this section.

(2.) If the local authority are themselves the Undertakers, and make default in laying down any distributing main in accordance with the provisions of the Special Order, within the periods prescribed in that behalf respectively, the Board of Trade may deal with the Special Order in manner provided by this section.

(3.) Where the Board of Trade are authorised under this section to deal with a Special Order, they may either revoke the Order as to the whole or any part of the area of supply, or, if the Undertakers so desire, suffer it to remain in force as to that area or part thereof, subject to such conditions as they think fit to impose, and any conditions so imposed shall be binding on and observed by the Undertakers, and shall be of the like force and effect in every respect as though they were contained in the Special Order: Provided that the Board of Trade shall not revoke the Special Order as to part only of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply, and in that case the Board of Trade shall not under this section revoke the Special Order otherwise than as to the whole of the area of supply.

24.—(1.) Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along that street or part of a street, or, where the local authority are not themselves the Undertakers and have the control and management of the public lamps in that street or part of a street, by the local authority.

Manner in which requisition is to be made.

(2.) Every such requisition shall be signed by the persons making it, or by the local authority (as the case may be), and shall be served upon the Undertakers.

(3.) Forms of requisition shall be kept by the Undertakers at their office and a copy shall, on application, be supplied free of charge to any owner or occupier of premises within the area of supply and, where necessary, to the local authority, and any requisition so supplied shall be deemed valid in point of form.

25.—(1.) Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom the requisition is signed, stating that they decline to be bound by the requisition unless those persons or some of them will bind themselves to take, or will guarantee that there shall be taken, a supply of energy for a period of three years at the least, of such amount in the aggregate (to be specified by the Undertakers in the notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as is specified by the Undertakers in the notice: Provided that in the notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distributing mains with the nearest available source of supply.

Provisions on requisition by owners or occupiers.

(2.) Where such a notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of the notice on all the persons signing the requisition has been effected, or in case of difference within fourteen days after the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by those persons or some of them, binding them to take or guaranteeing that there shall be taken a supply of energy for a period of three years at the least of such amount as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section, nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from those persons under the agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

(3.) If the Undertakers consider that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, they may, within fourteen days after the service of the requisition upon them, appeal to the Board of Trade, and that Board, after such inquiry (if any) as they think fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Undertakers, or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years, and to specify such sum or percentage, whether calculated as herein-before provided or otherwise, as is fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

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(4.) In case of any appeal to the Board of Trade under this section, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

(5.) If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement, that difference shall, subject to the provisions of this section and to the decision of the Board of Trade upon any such appeal as aforesaid, be determined by arbitration.

Provisions on requisition by local authority.

26. Where any such requisition is made by the local authority it shall not be binding on the Undertakers, unless at the time when the service is effected, or within fourteen days thereafter, there be tendered to the Undertakers (if required by them) an agreement executed by the local authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which the requisition is made as may be under their management or control.

Supply.

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 Order or the Board of Trade regulations, give and continue to give a supply of energy for those premises in accordance with the provisions of the Special Order and of the said regulations, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier is entitled to be supplied under the Special Order 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.

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(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.

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 summarily as a civil debt.

(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.

29. Where the local authority are not themselves the Undertakers, 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 purposes of general supply under the Special Order, or the Board of Trade regulations, give and continue to give a supply of energy to those lamps in such quantities as the local authority may require to be supplied.

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 Order, 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 local authority are not themselves the Undertakers, and the Undertakers make default in supplying energy to the public lamps to

A.D. 1899. — which they may be and are required to supply energy under the Special Order, 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 Board of Trade regulations 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.

Price.

Methods of charging.

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 Board of Trade.

(2.) Provided that where the Undertakers charge by any method so approved by the Board of Trade, any consumer who objects to that method may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him, or by the electrical quantity contained in the supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

(3.) Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall, if the local authority are not themselves the Undertakers, give notice to the local authority, and, if the local authority are themselves the Undertakers, by public advertisement, 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, if the local authority are not themselves the Undertakers to the local authority, and in any case to every consumer of energy who is supplied by them from the main.

Maximum prices.

32.—(1.) The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Special Order or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade determine on approving the method.

(2.) Provided that if, in a case where the local authority are not themselves the Undertakers, either the local authority or the Undertakers, at any time after the expiration of seven years after the commencement of the Special Order, make a representation to the Board of Trade that the prices or methods of charge stated in the Special Order or approved by the Board of Trade ought to be altered, the Board of Trade, after such inquiry as they may think fit, may make an order varying the prices or methods of charge stated in the Special Order or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on

and after such day as may be mentioned in the order, as if they had been stated in the Special Order: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after they were last altered. A.D. 1899.

33. Subject to the provisions of the Special Order and of the principal Act, and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned, 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.

34. Where the local authority are not themselves the Undertakers, 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.

Electric Inspectors.

35.—(1.) The local authority, so long as they are not themselves the Undertakers, and, while the local authority are themselves the Undertakers, the Board of Trade 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 Order. Appointment of electric inspectors.

(2.) If, in a case where the local authority are not themselves the Undertakers, no electric inspector is appointed by the local authority, or the inspection of electric lines and works is imperfectly attended to by the local authority, or the local authority themselves become the Undertakers for the purposes of the Special Order, the Board of Trade, 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 Order.

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

(a.) The inspection and testing, periodically and in special cases, 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 Order or of the Board of Trade regulations.

(2.) The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, 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 local authority or the Board of Trade, as the case may be.

37.—(1.) The local authority may pay to any electric inspector appointed by them under the Special Order such reasonable remuneration (if any) as they may determine, and that remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under the Special Order or the Board of Trade regulations, according as the local authority determine. Remuneration of electric inspectors.

A.D. 1899.

(2.) Where the local authority are themselves the Undertakers, they shall pay to every electric inspector appointed under the provisions of the Special Order such reasonable remuneration (if any) as may be determined by the Board of Trade, and that remuneration may be in addition to, or in substitution for, any fees which are directed to be paid to electric inspectors for services rendered by them under the Special Order or the Board of Trade regulations, as may be settled by that Board; and where any such remuneration is settled to be in substitution for fees, any fees payable by any party other than the Undertakers shall, in lieu of being paid to the electric inspector for his own use, be due and paid to him on behalf and for the use of the Undertakers, and shall be carried by them to the credit of the local rate.

Notice of accidents and inquiries by Board of Trade.

38.—(1.) The Undertakers shall send to the Board of Trade 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.

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 Board of Trade may also, if they deem 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 Order and the principal Act, and of the Board of Trade regulations, 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 Order.

Testing and Inspection.

Testing of mains.

39. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector thinks expedient, but, except under the provisions of an order made in each case in that behalf by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by the inspector for the purpose of any such testing as aforesaid. Provided also that the testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Board of Trade.

Testing of works and supply on consumer's premises.

40. An electric inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and testing of the service lines, apparatus, and

works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of the Special Order and the Board of Trade regulations. A.D. 1899.

41.—(1.) Where the local authority are not themselves the Undertakers, the Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations, as the local authority think proper and sufficient for testing the supply of energy by the Undertakers through the main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect those stations by means of proper and sufficient electric lines with the mains, and supply energy thereto for the purpose of the testing. Undertakers, not being local authority, to establish testing stations.

(2.) If any dispute arises between the local authority and the Undertakers as to whether the number of the testing stations and the distance from the main at which they are established is reasonable or excessive, or as to any excessive or improper use of energy for the testing, or as to the performance by the Undertakers of their duties under this section, that dispute shall be determined by arbitration.

(3.) Where the local authority are themselves the Undertakers, a court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers, at their own cost, to establish at such places, within a reasonable distance from a distributing main, and keep in proper condition, such reasonable number of testing stations, as the court think proper and sufficient for testing the supply of energy by the Undertakers through the main, and thereupon the Undertakers shall establish such testing places, and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court direct, and they shall connect those stations by means of proper and sufficient electric lines with the mains, and supply energy thereto for the purpose of the testing.

42. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved or prescribed by the Board of Trade, and shall take and record, and keep recorded, such observations as the Board of Trade may prescribe, and any observations so recorded shall be receivable in evidence. Undertakers to keep instruments on their premises.

43.—(1.) The Undertakers shall keep in efficient working order all instruments which they are required by or under the Special Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under the Special Order may examine and record the readings of those instruments, and any readings so recorded shall be receivable in evidence. Readings of instruments to be taken.

(2.) Where the local authority are not themselves the Undertakers, the examinations and readings under this section must be made at such times and in such manner as may be directed by the authority by whom the inspector is appointed.

44. Any electric inspector appointed under the Special Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers, and ascertaining if they are in order, and in case they are not in order he may require the Undertakers forthwith to have them put in order. Electric inspector may test Undertakers' instruments.

45. The Undertakers may, if they think fit, on each occasion of the testing of any main or service line, or the testing or inspection of any instruments of the Undertakers by any electric inspector, be represented by some officer or other agent, but that officer or agent shall not interfere with the testing or inspection. Representation of Undertakers at testings.

A.D. 1899.

[CH. 19.] *Electric Lighting (Clauses) Act, 1899.* [62 & 63 VICT.]

Undertakers to give facilities for testing.

46. The Undertakers shall afford all facilities for the proper execution of the Special Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under the Special Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and to a daily penalty not exceeding one pound.

Report of results of testing.

47.—(1.) Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under the Special Order, make and deliver a report of the results of his testing to the authority or person by whom he was required to make the testing, and to the Undertakers, and that report shall be receivable in evidence.

(2.) If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector, they or he may appeal to the Board of Trade against the report, and thereupon the Board of Trade shall inquire into and decide upon the matter of the appeal, and their decision shall be final and binding on all parties.

Expenses of electric inspector.

48.—(1.) Save as otherwise provided by the Special Order or by the Board of Trade regulations, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by a court of summary jurisdiction, or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers, and if a local authority are the Undertakers may be recovered summarily as a civil debt.

(2.) Provided that where the report of an electric inspector, or the decision of the Board of Trade, shows that any consumer was guilty of any default or negligence, the fees and expenses shall, on being ascertained as above mentioned, be paid by the consumer as the court or the Board, by whom the fees are ascertained, having regard to the report or decision, direct, and may be recovered summarily as a civil debt.

(3.) Provided also, that in any proceedings for penalties under the Special Order the fees and expenses of an electric inspector incurred in connexion with the proceedings shall be payable by the complainant or defendant as the court direct.

Meters.

Meters to be used except by agreement.

49. The amount of energy supplied by the Undertakers to any ordinary consumer under the Special Order, or the electrical quantity contained in the supply (according to the method by which the Undertakers elect to charge), herein-after 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 Order.

Meter to be certified.

50. A meter shall be considered to be duly certified under the provisions of the Special Order if it be certified by an electric inspector appointed under the Special Order to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved by the Board of Trade, and every such meter is herein-after referred to as a "certified meter": Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines, 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 Order.

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 intended for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified.

52. Where the value of the supply is under the Special Order 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 Order, 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 herein-after provided.

Undertakers to supply meters if required to do so.

53. No consumer shall connect any meter used or to be used under the Special Order 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 he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention to do so, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

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.

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 Board of Trade, and that remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meters.

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.

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

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

A.D. 1899. — shall be determined upon the application of either party by an electric inspector or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, 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.

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 summarily as a civil debt.

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 Board of Trade, 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.

Maps.

Map of area of supply to be made.

60.—(1.) The Undertakers shall forthwith after commencing to supply energy under the Special Order 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 Board of Trade 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 Board of Trade prescribe.

(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 Board of Trade or the Postmaster-General, or, where the local authority are not themselves the Undertakers, 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. A.D. 1899.

Notices, &c.

61. Notices, orders, and other documents under the Special Order 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.

62.—(1.) Any notice, order, or document required or authorised to be served upon any body or person under the Special Order or the principal Act 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 Board of Trade, the office of the Board of Trade;
- (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, where the Undertakers are not a local authority, the registered 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 that 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 Order 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 Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of the Special Order 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.

Revocation of Special Order.

63. If the Board of Trade, in any case where a local authority are not the Undertakers, at any time after the commencement of the Special Order, have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the provisions of that Order, and that that default is in consequence of the insolvency of the Undertakers, and that by reason of that insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by that Order, the Board of Trade may Revocation
of Order
where Under-
takers are
insolvent.

A.D. 1899. — after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke that Order as to the whole or (with the consent of the Undertakers) as to any part of the area of supply.

Revocation of order where undertaking cannot be carried on with profit.

64. If in any case where a local authority are not the Undertakers, the Undertakers at any time after the commencement of the Special Order represent to the Board of Trade that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of the representation, and if upon that inquiry they are satisfied of the truth of the representation they may, if in their discretion they think fit, revoke the Special Order as to the whole or (with the consent of the Undertakers and of the local authority) as to any part of the area of supply.

Revocation where local authority are Undertakers and works are not executed.

65. If in a case where the local authority are themselves the Undertakers, the Board of Trade, at any time after the commencement of the Special Order, have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of the Special Order, the Board of Trade may, after such inquiry as they may think necessary, revoke the Special Order as to the whole or (with the consent of the Undertakers) any part of the area of supply upon such terms as the Board of Trade think just.

Revocation of order with consent.

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke the Special Order at any time with the consent and concurrence of the Undertakers, and where the local authority are not themselves the Undertakers, also of the local authority upon such terms as the Board of Trade think just.

Provisions where order revoked.

67. If the Board of Trade, in any case where the local authority are not themselves the Undertakers, at any time revoke the Special Order as to the whole or any part of the area of supply, under any of the provisions of the Special Order, the following provisions shall have effect:—

(a.) The Board of Trade shall serve a notice of the revocation upon the Undertakers and upon the local authority, and shall in that notice fix a date at which the revocation shall take effect, and from and after that date all the powers and liabilities of the Undertakers under the Special Order or this Act, for the supply of energy within such area, or part thereof as aforesaid, shall absolutely cease and determine.

(b.) Within two months after the service of the notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell, to them so much of the undertaking or such part thereof as aforesaid as is within the district of the local authority, upon terms of paying the then value of all land, buildings, works, materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, that value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

(c.) Where any purchase is so effected, the undertaking, or part thereof so purchased, shall vest in the local authority, freed from any debts, mortgages, or similar obligations of the Undertakers, or attaching to the undertaking; and the revocation of the Special Order, as to the whole of the area of supply, or such part thereof as aforesaid, shall extend only to the revocation of the rights, powers, authorities, duties, and obligations of the Undertakers from whom the undertaking, or such part thereof as aforesaid, is purchased in relation to the supply of energy within that area or part thereof, and, save as aforesaid, the

Special Order shall remain in full force within that area or part thereof in favour of the local authority, by whom the undertaking or part thereof is purchased as aforesaid. A.D. 1899.

(d.) Where no purchase has been effected under the preceding provisions of this section, the local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers have been placed, may (subject however to any agreement between the local authority or that body or person and the Undertakers providing for the removal of those works by the Undertakers) forthwith remove those works with all reasonable care, and the Undertakers shall pay to the local authority, or other such body or person as aforesaid, such reasonable costs of the removal, and of the reinstatement of the street or part of a street as may be specified in a notice to be served on the Undertakers by the local authority or other body or person, or (if so required by the Undertakers, within one week after the service of the notice upon them) as may be determined by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of the notice, or the delivery of the award of the arbitrator (as the case may be), the local authority, or other such body or person as aforesaid may, without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may, out of the proceeds of the sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(e.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers granted by the Special Order to the Undertakers, or for any expenses to which that local authority, body, or person may have been put in removing any works of the Undertakers within the area, or part thereof, under the provisions of the Special Order, that compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of the Special Order in respect of that area, or part thereof, and which may not have been repaid or released to the Undertakers, and that money shall be applied rateably in satisfying those claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by arbitration.

68.—(1.) If the Board of Trade, in a case where the local authority are themselves the Undertakers, at any time revoke the Special Order as to the whole or any part of the area of supply, any persons who may be liable to repair any street or part of a street within that area or part thereof in which any works of the Undertakers have been placed, may forthwith remove those works with all reasonable care, and the Undertakers shall pay to those persons such reasonable costs of the removal as are specified in a notice to be served on the Undertakers by those persons, or if so required by the Undertakers within one week after the service of the notice upon them as may be determined by arbitration.

Provisions where local authority are Undertakers and Order is revoked.

(2.) If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator (as the case may be), such persons as aforesaid may without any previous notice to the Undertakers (but

A.D. 1899. — without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid either by public auction or private sale, and for such sum or sums and to such person or persons as they think fit, and may out of the proceeds of the sale pay and reimburse themselves the amount of the costs so specified or determined as aforesaid, and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

General.

Remedying of system and works. 69.—(1.) If at any time it is established to the satisfaction of the Board of Trade—

- (a) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (except in accordance with the provisions of the Special Order) 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 Order or the Board of Trade regulations; 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 Board of Trade 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 Board of Trade may also if they think 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.

(3.) In any case of non-compliance with an order under this section, whether a pecuniary penalty has been recovered or not, the Board of Trade, if in their opinion the public interest so requires, may revoke the Special Order on such terms as they think just.

Publication of regulations. 70.—(1.) The Board of Trade regulations for the time being in force shall within one month after they have come into force, as made or last altered, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding them at a price not exceeding sixpence for each copy, and where the local authority are not themselves the Undertakers, a like copy shall also be forthwith served upon the local authority.

(2.) If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Nature and amount of security. 71. Where any security is required under the Special Order to be given to or by the Undertakers, that security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, and that court may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the court shall be final and binding on all parties:

Provided that where any such security is given by way of deposit the party to whom the security is given shall pay interest at the rate of four per centum per annum on every sum of ten shillings so deposited for every six months during which it remains in their hands. A.D. 1899.

72.—(1.) All things required or authorised under the Special Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board. Proceedings of Board of Trade.

(2.) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be those orders without further proof, unless the contrary is shown.

(3.) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the order or act so certified.

73.—(1.) Where the Special Order provides for any consent or approval of the Board of Trade, the Board may give that consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit. Approval or consent of Board of Trade.

(2.) All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade or of any inspector or person appointed by the Board of Trade, 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 Board of Trade certify to be due, shall be borne and paid by the applicant therefor.

Provided that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the plan, pattern, or specification as they think fit to be prepared and deposited at their office at the expense of the applicant, and may, as they think fit, revoke any approval so given, or permit the approval to be continued, subject to such modifications as they think necessary.

74. Where the Board of Trade—

(1) upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers; or

(2) in a case where the local authority are not themselves the Undertakers, revoke the Special Order upon the application of the local authority or the Undertakers as to the whole or any part of the area of supply; or

(3) in a case where the local authority are themselves the Undertakers revoke the Special Order as to the whole or any part of the area of supply,

notice that the approval has been given, or the extension of time granted, or the revocation made, shall, if the Board of Trade so direct, be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers, or, where the application for revocation has been made by the local authority, by the local authority.

Notice of approval of Board of Trade, &c. to be given by advertisement.

75. If, in a case where the local authority are not themselves the Undertakers, any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of the application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto. Notice of application for extension of time, &c. to be given to local authority.

Recovery and application of penalties.

76.—(1.) All penalties, fees, expenses, and other moneys recoverable under the Special Order, or under the Board of Trade regulations, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

(2.) Any penalty recovered on prosecution by an officer of the local authority, in a case where the local authority are not themselves the Undertakers, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to that officer and by him to the local authority, and shall be applied in aid of the local rate.

(3.) Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court so direct, be paid to that body or person.

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.

As to mortgages.

78. Nothing in the Special Order shall prevent the Undertakers, in a case where a local authority are not the Undertakers, from borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage :

Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof, under section two of the Electric Lighting Act, 1888, or under the Special Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or that part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving for Postmaster-General.

79. Nothing in the Special Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1897, and all provisions contained in the Special Order 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 rights of the Crown in the fore-shore.

80. Although any shore, bed of the sea, river, channel, creek, bay, or estuary is included in the area of supply, nothing in the Special Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of that shore or bed of the sea, or of the river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the Special Order 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 Queen's Majesty.

Undertakers not exempted from proceedings for nuisance. Provision as to general Acts.

81. Nothing in the Special Order 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.

82. Nothing in the Special Order 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 Act confirming the Special Order. A.D. 1899.

Application to Scotland.

83. In the application of the provisions of this schedule to Scotland the following modifications shall be made:— Application to Scotland.

- (1.) The expression "arbiter" shall be substituted for the expression "arbitrator."
- (2.) "The sheriff of the county or any of his substitutes" shall be substituted for "a court of summary jurisdiction."
- (3.) References to recovery summarily as a civil debt shall be construed as references to recovery summarily.
- (4.) The expression "complainer" shall be substituted for the expression "complainant," and the expression "defender" for the expression "defendant."
- (5.) "The Secretary for Scotland" shall be substituted for "the Local Government Board."
- (6.) The reference to section two hundred and sixty-five of the Public Health Act, 1875, shall not apply. 38 & 39 Vict. c. 55.
- (7.) A reference to the Edinburgh Gazette shall be substituted for a reference to the London Gazette.

Application to Ireland.

84. In the application of the provisions of this schedule to Ireland the following modifications shall be made:— Application to Ireland.

- (1.) References to recovery summarily as a civil debt shall be construed as references to recovery before a court of summary jurisdiction.
- (2.) A reference to section two hundred and sixty-four of the Public Health (Ireland) Act, 1878, shall be substituted for a reference to section two hundred and sixty-five of the Public Health Act, 1875, and in the construction of that section, as incorporated in this schedule, "sanitary authority" shall mean "the local authority as Undertakers." 41 & 42 Vict. c. 52. 38 & 39 Vict. c. 55.
- (3.) 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 purpose of the provisions of this schedule, be deemed to be repairable by the county council and not by the district council. 61 & 62 Vict. c. 37.
- (4.) A reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board.
- (5.) A reference to the Dublin Gazette shall be substituted for a reference to the London Gazette.

A P P E N D I X.

Section 12 of the Electric Lighting Act, 1882 (45 & 46 Vict. c. 56).

12. The provisions of the following Acts shall be incorporated with this Act; that is to say,— Incorporation of certain provisions of Clauses Consolidation Acts.

- (2.) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the Undertakers; and 10 & 11 Vict. c. 15.

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34 & 35 Vict.
c. 41.

(3.) Sections thirty-eight to forty-two inclusive, and sections forty-five and forty-six of the Gasworks Clauses Act, 1871.

For the purposes of this Act in the construction of all the enactments incorporated by this section "the special Act" means this Act inclusive of any licence, order, or special Act; and the "promoters" or "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

* * * * *

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant "electric line," and "works" meant "works" as defined by this Act, and as if "the limits of the special Act" meant the area within which the Undertakers are authorised to supply electricity under any licence, order, or special Act.

All offences, forfeitures, penalties, and damages under the said incorporated provisions of the said Acts or any of them may be prosecuted and may be recovered in manner by the said Acts respectively enacted in relation thereto, provided that sums recoverable under the provisions of section forty of the Gasworks Clauses Act, 1871, shall not be recovered as penalties, but may be recovered summarily as civil debts.

*Sections of the Gasworks Clauses Act, 1847 (10 & 11 Vict. c. 15.),
incorporated.*

And with respect to the breaking up of streets for the purpose of laying pipes, be it enacted as follows:—

Power to
break up
streets, &c.
under super-
intendence,
and to open
drains.

6. The Undertakers, under such superintendence as is herein-after specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges, and they may, in such streets, erect any pillars, lamps, and other works, and do all other acts which the Undertakers shall from time to time deem necessary for supplying gas to the inhabitants of the district included within the said limits, doing as little damage as may be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter
on private land
without
consent.

7. Provided always that nothing herein shall authorise or empower the Undertakers to lay down or place any pipe or other works into, through, or against any building, or in any land, not dedicated to public use without the consent of the owners and occupiers thereof; except that the Undertakers may at any time enter upon and lay or place any new pipe in the place of any existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act or any other Act of Parliament, and may repair or alter any pipe so laid down.

Notice to be
served on
persons having
control, &c.
before breaking
up streets

8. Before the Undertakers proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in

cases of emergency arising from defects in any of the pipes or other works, or opening and then so soon as is possible after the beginning of the work, or the drains. necessity for the same shall have arisen.

9. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up except under the Streets or drains not to be broken up except under superintendence of persons having control of the same. superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two justices; and such justices may, on the application of the persons having the control or management of any such sewer, drain, or their officer, require the Undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the Undertakers' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the Undertakers may perform the work specified in such notice without the superintendence of such persons or their officer. If persons having the control, &c. fail to superintend Undertakers may perform the work without them.

10. When the Undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up every night during which the same shall be continued open or broken up and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside. Streets, &c. broken up to be reinstated without delay.

11. If the Undertakers open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the Undertakers are hereby authorised to perform such works without any superintendence or notice, or if the Undertakers make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding five pounds for every such offence, and they shall forfeit an additional sum of five pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof. Penalty for delay in reinstating streets, &c.

12. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or In case of delay, other

A.D. 1899.

parties may
reinstated and
recover the
expenses.

tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the Undertakers; and such expenses may be recovered in the same manner as damages are recoverable under this or the special Act:

* * * * *

And with respect to waste or misuse of the gas, or injury to the pipes or other works, be it enacted as follows:—

Penalty for
fraudulently
using the gas
of the
Undertakers.

18. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the Undertakers without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the gas supplied by the Undertakers is not ascertained by meter, shall use any burner [other than such as has been provided or approved of by the Undertakers, or] of larger dimensions than he has contracted to pay for or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the Undertakers, shall forfeit to the Undertakers the sum of five pounds for every such offence, and also the sum of forty shillings for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the Undertakers may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

Penalty for
wilfully
damaging
pipes.

19. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the Undertakers for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the Undertakers, shall for each such offence forfeit to the Undertakers any sum not exceeding five pounds, in addition to the amount of the damage done.

Satisfaction
for accidentally
damaging
pipes.

20. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the Undertakers or under their control, shall pay such sum of money by way of satisfaction to the Undertakers for the damage done, not exceeding five pounds, as any two justices or the sheriff shall think reasonable.

*Sections of the Gasworks Clauses Act, 1871 (34 & 35 Vict. c. 41.),
incorporated.*

* * * * *

Penalty
for injuring
meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the Undertakers, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for

causing such alteration or prevention, or for abstracting, consuming, or using gas of Undertakers, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter. A.D. 1899,

Recovery of Gas Rents.

39. In case any consumer of gas supplied by the Undertakers leaves the premises where such gas has been supplied to him without paying the rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenants not liable to pay arrears of gas rents, &c.

40. If any person supplied with gas or with any gas meter or fittings by the Undertakers, neglects to pay to the Undertakers the rent due for such gas, or the rent or money due to the Undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the Undertakers in cutting off the gas from the premises of such person, the Undertakers may recover the sum so due in like manner as a penalty under this Act. Recovery of rents, &c.

41. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum. Recovery of sums due to Undertakers.

Legal Proceedings.

42. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof, or in a schedule thereto, several names and several sums. Contents of summons or warrant.

* * * * *

45. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last-known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates. Service of notice by Undertakers.

46. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act. Liability to gas rent not to disqualify justices from acting.

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