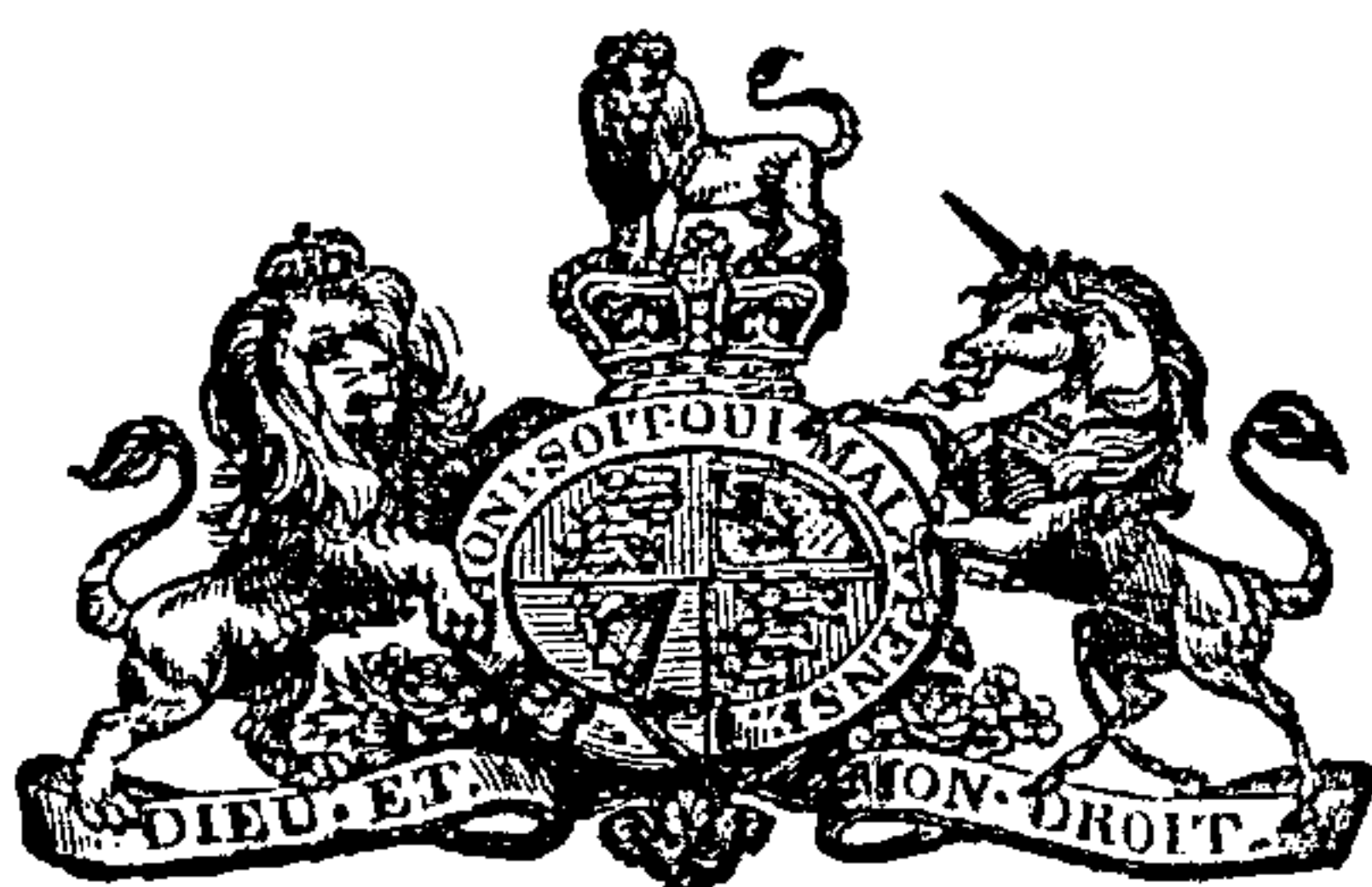


[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcvi.]  
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CHAPTER cxcvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Ashton-under-Lyne, Bournemouth, Coatbridge, Hastings, Northampton, and Windsor. A.D. 1890.  
[14th August 1890.]

WHEREAS, under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 45 & 46 Vict. c. 56.  
51 & 52 Vict. c. 12.

And whereas a Provisional Order made by the Board of Trade under the authority of the said Acts is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Acts, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore 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. This Act may be cited as the Electric Lighting Orders Confirmation (No. 10) Act, 1890. Short title.

2. The several Orders, as amended and set out in the schedule to this Act annexed, shall be and the same are hereby confirmed, and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and effect. Confirmation of Orders.

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SCHEDULE.

LIST OF ORDERS.

1. ASHTON-UNDER-LYNE—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Municipal Electric Light and Power Corporation Limited.
2. BOURNEMOUTH—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company Limited.
3. COATBRIDGE—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Scottish House-to-House Electricity Company Limited.
4. HASTINGS—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor Aldermen and Burgesses of the Borough of Hastings.
5. NORTHAMPTON —Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Northampton Electric Light and Power Company Limited.
6. WINDSOR—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Windsor and Eton Electric Light Company Limited.

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ASHTON-UNDER-LYNE ELECTRIC LIGHTING.

A.D. 1890.

*Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Municipal Electric Light and Power Corporation Limited, in respect of the borough of Ashton-under-Lyne.*

*Ashton-  
under-Lyne.*

*§ Preliminary.*

1. This Order may be cited as the Ashton-under-Lyne Electric Light and Power Order, 1890. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order 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 Order the same respective meanings provided that in this Order : Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied.

The expression "main" shall mean 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" shall mean 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" shall mean 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" shall mean the general supply of energy to ordinary consumers and unless otherwise specially agreed with the local authority to the public lamps but shall not include the supply of energy to any one or more particular consumers under special agreement.

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order.

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers.



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The expression "consumer's terminals" shall mean 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 shall have 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 such line is whether through induction or otherwise in any manner affected.

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined.

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expression "county council" shall mean the Lancashire County Council.

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively.

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 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 11 feet with such detail plan and sections as may be necessary.

Commence-  
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

*Address and Description of the Undertakers.*

Address and  
description of  
Undertakers.

4. The Undertakers for the purpose of this Order are the Municipal Electric Light and Power Corporation Limited being a company registered under the Companies Acts 1862 to 1886 with limited liability and having its registered offices at 33 Old Broad Street in the city of London.

Provided that if the Undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order or of the principal Act such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the Company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license Provisional Order or special Act unless the Undertakers are authorised by Parliament to do so.



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

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*Area of Supply.*

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule which said area is more particularly delineated upon the deposited map and thereon coloured red.

Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this 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 license granted by the Board of Trade.

Prohibition  
of supply  
beyond area  
of supply.

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

*Security and Accounts.*

7. The Undertakers within a period of six months after the commencement of this Order and before exercising any of the powers by this Order conferred on them in relation to the execution of works 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 this Order throughout the area of supply.

Security for  
execution of  
works.

The Undertakers shall also within six months after the commencement of this Order or 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 a sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade 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 this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them from time to time 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 this Order in every street or part of a street specified in that behalf in the Second Schedule or at such earlier dates and by such instalments as may from time to time be approved by the Board of Trade.



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Bond to the  
local authority.

8. The Undertakers shall forthwith after the commencement of this Order execute a bond to the local authority conditioned in a penalty of five hundred pounds to pay and forfeit to the local authority a sum of two hundred and fifty pounds in case the Undertakers shall fail to lay down suitable and sufficient distributing mains in accordance with the provisions of this Order throughout every street or part of a street specified in that behalf in the Second Schedule.

Separate  
accounts to  
be kept of  
undertaking.

9. The Undertakers shall except with the special approval of the Board of Trade to be previously given (after consideration of any representations which the local authority may make) at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of  
Undertakers'  
accounts.

10. The annual statement of accounts of the undertaking before being published as provided by section nine of the Electric Lighting Act 1882 shall so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial persons as the county council shall from time to time appoint and the remuneration of the auditor shall be such as the county council shall from time to time direct and the same and all expenses incurred by him in or about the execution of his duties to such an amount as the county council shall approve shall be paid by the Undertakers on demand and shall be recoverable summarily as a civil debt.

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

The county council may from time to time make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted or otherwise for the purpose of giving effect to the provisions of this section.

*Nature and Mode of Supply.*

Systems and  
mode of  
supply.

11. Subject to the provisions of this 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:—

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade (after giving the local authority an opportunity of being heard upon the matter if they so desire) and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may from time to time impose and



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(2.) 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 any such regulations or conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval and

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(3.) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects so as not injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such circuits and shall use every reasonable means in the construction of their mains and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to any electric circuits used or intended to be used for the purposes aforesaid whether existing at the time of the construction of such mains or other works or not or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works or worked their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

*Works.*

12. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such 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.

Nothing in this 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 are specified in the said schedule without the consent of the authority company or person by whom such 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 such consent the provisions of this Order shall apply to the

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under-Lyne.  
Street boxes.

13. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may also from time to time 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 such boxes: Provided that no such box shall be placed above ground except with the consent of the local authority body or person by whom such street is repairable.

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 may 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 conditions 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.

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.

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such 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 to a penalty not exceeding five pounds for every such offence and to a daily penalty of five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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.

Prohibition of  
overhead wires.

14. The Undertakers shall not without the express consent of the local authority place any electric line above ground along over or across any street or public place or (except in the case of any electric line so placed before the commencement of this Order and during the time limited by this section for the removal thereof) supply energy by means of any electric line so placed.

Where any electric lines of the Undertakers have been placed above ground as aforesaid before the commencement of this Order they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten



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pounds for every such offence, and to a daily penalty not exceeding five pounds and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

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

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

- (a) One month before commencing the execution of such works (not being the 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 such works are intended to be executed and the manner in which it is intended that such 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 from time to time give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month no part of the month of August shall be included.
- (b) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such 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 of 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 such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.
- (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 such works and plan.
- (e) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same 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 such works to be executed in accordance



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with such description and plan subject in all respects to the provisions of this Order and of the principal Act.

- (g) 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 this 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 to a penalty not exceeding ten pounds for every such default 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 having cognizance of the case shall be 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.

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

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

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

- (a) One month before commencing the execution of any such works (not being the 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 this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such 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 such works are intended to be executed and placed and shall upon being required to do so by any such owners from time to time give them any such further information in relation thereto as they may 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 such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising



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upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

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- (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 such 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 from time to time repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this 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 settled 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 who shall have the right to be present during the execution of such works.
- (g) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than 24 hours' notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default and to a

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daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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.

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

17. The local authority and 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 may be empowered to break up for the purposes of this Order may if they think fit from time to time 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 reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of the local authority or other body or person as the case may be and may from time to time amend or revoke any such notice by another notice similarly served. Where the local authority or any such body or person as aforesaid (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 such notice remains in force the following provisions shall have effect unless 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 such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided or in cases of emergency.
- (b) In addition to any other notices which they may be required to give under the provisions of this 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 such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.
- (c) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (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 such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they



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might have done if such notice as aforesaid had not been given to them by the givers of the notice. A.D. 1890.

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- (e) In any case of emergency the Undertakers may themselves proceed to at once 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 such 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 to a penalty not exceeding ten pounds for every such offence 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 having cognizance of the case shall be 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 before a court of summary jurisdiction.
- (h) The givers of the notice may from time to time if they think fit require 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 Order. If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such 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 this 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.

18. The Undertakers may from time to time alter the position of any pipes (not 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 this Order and any body or person may in like manner alter the position of any

As to alteration of pipes wires &c.

[Ch. cxcvi.] *Electric Lighting Orders Confirmation* [53 & 54 Vict.]  
(No. 10) Act, 1890.

A.D. 1890. 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 such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:

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under-Lyne.

- (a) One month before commencing any such alteration the Undertakers or such 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 such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alteration together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners from time to time 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 such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such 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 such question unless settled by agreement shall be settled 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 such 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 such pipes wires electric lines or works are used so far as may be 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 such 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 this 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 settled by arbitration as hereinbefore 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 such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.



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- (f) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made. A.D. 1890.  
*Ashton-under-Lyne,*
- (g) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.
- (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 such notification the operators may themselves proceed to execute such 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 such operators and may be recovered summarily before a court of summary jurisdiction.
- (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 said 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 this 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 such alterations until such 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 this 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 to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case 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.

19. 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

Laying of  
electric lines  
&c. near  
sewers &c.  
or gas or



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under-Lyne.  
water-pipes  
or other  
electric lines.

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 such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority or to such 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 such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer drain watercourse defence pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

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

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 such 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.

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

If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was



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due to the fact that the operators were ignorant of the position of the sewer drain watercourse defence pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

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under-Lyne.

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 under the principal Act but not under this Order.

20. In the exercise of any of the powers of this 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 railway and  
canal com-  
panies.

21. Seven days before commencing to lay down any electric line or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines 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 body or person for the time being entitled to such wires or lines notice in writing specifying the course nature and gauge of such electric lines and the amount and nature of the currents intended to be sent along the same and the extent to and manner in which (if at all) earth returns are proposed to be used and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

For protection  
of telegraphic  
and telephonic  
wires.

If any difference arises between any such body or person and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration.

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the body or person entitled to any such wire or line for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of

[Ch. cxcvi.] *Electric Lighting Orders Confirmation* [53 & 54 VICT.]  
(No. 10) Act, 1890.

A.D. 1890. emergency and that the Undertakers complied with the requirements and restrictions of this section so far as was reasonable under the circumstances  
*Ashton-under-Lyne.* or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wires or lines affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

*Compulsory Works.*

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

22.—(1.) The Undertakers shall within a period of two years after the commencement of this 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 Second Schedule and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall at any time after the expiration of eighteen months after the commencement of this Order lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner by this Order provided.

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 this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority company or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such 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.

23. 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 the Undertaker shall serve upon the local authority and upon the owner or occupiers 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 such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this 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 such particular consumer.



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24. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion that in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may after having given an opportunity to the local authority to make representations and objections with reference thereto suffer the same to remain in force as to such area or part thereof subject to such conditions as they may 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 this Order.

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under-Lyne.*  
If Undertakers  
fail to lay  
down mains  
&c. Order may  
be revoked.

25. 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 such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

Manner in  
which requisition is to be  
made.

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

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

26. 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 such requisition is signed stating that they decline to be bound by the requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such 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 such distributing mains with the nearest available source of supply.

Provisions on  
requisition by  
owners or  
occupiers.



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under-Lyne.*

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively 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 such persons under such 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.

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 who after such inquiry if any as they shall 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 shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice agreement or security such 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.

27. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such 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

28. 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



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supply to private consumers under this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order give and continue to give a supply of energy for such premises in accordance with the provisions of this Order and of all such regulations and conditions as aforesaid 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 may be entitled to be supplied under this Order subject to the conditions following (that is to say):

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under-Lyne.  
occupiers  
within the  
area of  
supply.

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 such owner or in the possession of such 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 such property shall if the Undertakers so require be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such 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 such notice) upon which such supply is required to commence, and

Enter into a written contract with the Undertakers (if required by them so to do) 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 same 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 pounds 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 such supply and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such 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.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply in case such owner or occupier has not already given such 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 such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

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



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A.D. 1890. him by the Undertakers for any purposes or deals with it in any manner  
*Ashton-* so as to unduly or improperly interfere with the efficient supply of energy  
*under-Lyne.* to any other body or person by the Undertakers the Undertakers may if  
they think fit discontinue to supply energy to such premises so long as such  
user continues.

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.

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 such  
difference shall be determined by arbitration.

Maximum  
power.

29. The maximum power with which any such consumer shall be entitled  
to be supplied shall be of such amount as he may from time to time 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 such consumer or any fittings or  
apparatus of the Undertakers upon such premises consequent upon such  
alteration shall be paid by him to the Undertakers and may be recovered  
summarily as a civil debt.

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  
such difference shall be determined by arbitration.

Supply of  
energy to  
public lamps.

30. The Undertakers 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 this Order or any regulations and  
conditions subject to which they are authorised to supply energy under this  
Order shall give and continue to give a supply of energy to such lamps  
in such quantities as the local authority may from time to time require to be  
supplied.

Penalty for  
failure to  
supply.

31. 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 this Order they shall be liable to a penalty not exceed-  
ing forty shillings in respect of every such default for each day on which  
any such default occurs.

Whenever the Undertakers make default in supplying energy to the  
public lamps to which they may be and are required to supply energy under  
this Order they shall be liable to a penalty not exceeding forty shillings in



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respect of every such default for each such lamp and for each day on which any such default occurs. A.D. 1890.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf. *Ashton-under-Lyne.*

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

*Price.*

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

- (i.) By the actual quantity of energy so supplied ; or
- (ii.) By the electrical quantity contained in such supply ; or
- (iii.) By such other method as may for the time being be approved by the Board of Trade.

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 such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

33. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved by the Board of Trade such price as the Board of Trade shall on approving such method determine. *Maximum prices.*

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of

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A.D. 1890. charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit  
*Ashton-* may make an order varying the prices or methods of charge stated in the  
*under-Lyne.* said schedule 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 said schedule: 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 the same were last altered.

Other charges by agreement. 34. Subject to the provisions of this 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 such charges are to be ascertained and may charge accordingly.

Price to public lamps. 35. 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 such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference 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.

*Electric Inspectors.*

Appointment of electric inspectors. 36. The local authority so long as they are not themselves the Undertakers for the purposes of this Order may from time to time appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority or if the inspection of electric lines and works is imperfectly attended to by the local authority or if the local authority themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any consumer or of the Undertakers may from time to time appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:

- (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 this Order or of any regulations under this Order.



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The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may from time to time 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 such 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.

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under-Lyne.

37. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may from time to time determine and such 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 this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act according as the local authority shall so determine.

Remuneration  
of electric  
inspectors.

38. The Board of Trade may also if they deem it necessary appoint any electric inspector or other fit person or persons 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 or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such 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 this Order.

Inquiry by  
Board of  
Trade.

*Testing and Inspection.*

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 such 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 a manner as the inspector may think expedient but except under the provisions of a special order in that behalf made 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 such inspector for the purpose of any such testing as aforesaid. Provided also that such 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 a special order in that behalf made by the Board of Trade.

Testing of  
mains.

40. An electric inspector if and when required to do so by any consumer shall from time to time 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

Testing of  
works and  
supply on  
consumer's  
premises.



[Ch. cxcvi.] *Electric Lighting Orders Confirmation* [53 & 54 VICT.]  
(No. 10) Act, 1890.

A.D. 1890. the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Ashton-  
under-Lyne.

Undertakers  
to establish  
testing  
stations.

41. 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 or where the local authority are the Undertakers as the Board of Trade shall deem sufficient for testing the supply of energy by the Undertakers through such main and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade and shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such 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 such testing or as to the performance by the Undertakers of their duties under this section such dispute shall be determined by arbitration.

Undertakers  
to keep instru-  
ments on their  
premises.

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 from time to time approved of or prescribed by the Board of Trade and shall from time to time take and record and keep recorded such observations as the Board of Trade may from time to time prescribe and any observations so recorded shall be receivable in evidence.

Readings of  
instruments  
to be taken.

43. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place or set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may from time to time examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Electric  
inspector  
may test  
Undertaker's  
instruments.

44. Any electric inspector appointed under this 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 the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representa-  
tion of  
Undertakers  
at testing.

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 such officer or agent shall not interfere with the testing or inspection.



[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcvi.]  
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46. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this 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.

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*Ashton-under-Lyne.*  
Undertakers to give facilities for testing.

47. Every electric inspector shall on the day immediately following that on which any testing has been completed by him under this Order make and deliver a report of the results of his testing to the local authority Board of Trade or consumer (as the case may be) by whom he was required to make such testing and to the Undertakers and such report shall be receivable in evidence.

Report of results of testing.

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

48. Save as otherwise provided by this Order or by any regulations under this Order 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.

Expenses of electric inspector.

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 such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the court or Board having regard to such report or decision shall direct and may be recovered summarily as a civil debt.

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

*Meters.*

49. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order

Meters to be used except by agreement.

50. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this 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

Meter to be certified.



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manner approved of by the Board of Trade and every such meter is in this Order 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 such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to  
certify meters.

51. Every 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 the same as a certified meter if he considers it entitled to be so certified.

Undertakers  
to supply  
meters if  
required to  
do so.

52. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such 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 such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to  
be connected  
or discon-  
nected without  
notice.

53. No consumer shall connect any meter used or to be used under this 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 so to do and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to  
keep his meter  
in proper  
order.

54. 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 such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

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 such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the  
Undertakers  
to let meter.

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



[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcvi.]  
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on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference be decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

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—  
*Ashton-  
under-Lyne.*

56. The Undertakers shall unless the agreement of 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 such value and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such 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 such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

Undertakers  
to keep meter  
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 such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference 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 who shall also order by which of the parties the costs of the proceedings before him shall be paid and the decision of such 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.

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

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 such main the Undertakers shall pay to such 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 such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

Undertakers  
to pay ex-  
penses of  
providing new  
meters where  
method of  
charge altered.

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 from time to time 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 such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such 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  
may place  
meters to  
measure  
supply or to  
check measure-  
ment thereof.



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(No. 10) Act, 1890.

A.D. 1890. Undertakers and shall not except by agreement be placed otherwise than  
*Ashton-* between the mains of the Undertakers and the consumer's terminals.  
*under-Lyne.*

*Maps.*

Map of area  
of supply to  
be made and  
deposited.

60. The Undertakers shall forthwith after commencing to supply energy under this 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 such 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 shall prescribe.

Every map and section so made or corrected by the Undertakers or a copy thereof with the date expressed thereon of the last time when it was so 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 such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may from time to time prescribe.

The Undertakers shall if so required by the Board of Trade the Postmaster-General or the local authority supply to them or him a copy of any such map or section and from time to time cause such 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.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

*Special Provisions in case of Transfer.*

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

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :

(A.) All moneys from time to time 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 this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows :

(1) 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.



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- (2) 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.
- (3) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.
- (5) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same 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 the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable from time to time 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 from time to time as often as such reduction happens.

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under-Lyne.

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 such 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 the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :--

- (1) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2) In the reduction of the capital moneys borrowed by them for other than electricity purposes.



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(No. 10) Act, 1890.

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under-Lyne.*  
Purchase and  
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect :

Subject to the provisions of this Order and the principal Act the Undertakers may from time to time acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands which may for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may from time to time 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 this 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.

Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans 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 such persons who may be residing with them.

Incorporation  
of sections  
264 and 265  
of Public  
Health Act  
1875.

63. If the local authority become the Undertakers for the purposes of this Order the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions "this Act" shall mean this Order and the principal Act and the "local authority" shall mean the local authority as such Undertakers.

*Purchase of Undertaking.*

Purchase of  
undertaking  
by local  
authority.

64. In pursuance of an agreement made between the local authority and the Undertakers under the provisions of section three of the Electric Lighting Act 1888, it is hereby provided that the local authority at any time within a period of forty-two years after the commencement of this Order may by notice in writing require the Undertakers to sell the undertaking to the local authority and thereupon the Undertakers shall sell the same to the local authority subject to all then subsisting rights and contracts at a price to be ascertained (at the option of the local authority) either :

- (1) By capitalising the net profits of the undertaking at 5*l.* per centum per annum if those profits exceed 5*l.* per centum per annum upon the capital of the company shown by the books of the company to have been properly expended upon the undertaking at the date of such notice, or



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- (2) Upon the basis of the actual capital expenditure on the undertaking so shown by the books of account of the company as aforesaid if the net profits thereof do not exceed 5*l.* per centum per annum at the date of the said notice. A.D. 1890.  
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In either case the payment of the purchase money or consideration for the undertaking shall be made in the bonds or stock of the local authority of an amount equivalent to the purchase money to be ascertained as aforesaid and bearing interest at the rate of 5*l.* per centum per annum which bonds or stock may be redeemed by them at 125*l.* for every 100*l.* bond or stock of the local authority at the expiration of 21 years from the date of the issue thereof or at any time thereafter.

On the expiration of the said period of forty-two years the provisions of section two of the Electric Lighting Act 1888 shall have effect as if this section had not been included in this Order.

*Notices, &c.*

65. Notices orders and other documents under this 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.

66. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such 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 such council ;
- (d) In the case of any local authority the office of such local authority ;
- (e) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company ;
- (f) In the case of any 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 such person.

Where any notice is served by post it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A notice order or document by this Order 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



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A.D. 1890. "occupier" of the premises (naming the premises) without further name or description.

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A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this 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 such 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.

*Revocation of Order.*

Revocation of  
Order where  
Undertakers  
are insolvent.

67. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order and that such default is in consequence of the insolvency of the Undertakers and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the truth of such representation they may after considering any further representations of the local authority revoke this 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.

68. If at any time after the commencement of this Order the Undertakers 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 such representation and if upon such inquiry they are satisfied of the truth of such representation they may if in their discretion they think fit revoke this 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 of  
Order with  
consent.

69. In addition to any other powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Provisions  
where Order  
revoked.

70. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply under any of the provisions of this Order the following provisions shall have effect:



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(a) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order 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 such 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 such 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 this 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 such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(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 may have been placed may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such 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 such removal and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person or (if so required by the Undertakers within one week after the service of such notice upon them) as may be settled by arbitration.

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) the local authority or other such body or person as aforesaid may without any previous notice

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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 such 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 by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such 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 an Arbitrator to be appointed by the Board of Trade whose decision shall be final and binding on all parties.

*General.*

Remedying of  
system and  
works.

71. If at any time it is represented to the local authority or 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order: or (b) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order: 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 in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with such order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Provided that in any case appearing to them to affect the public safety or any telegraphic line of the Postmaster-General the Board of Trade may if



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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 such user continues.

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Provided also that if the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any such order in respect thereof within the period limited in that behalf the Board of Trade may if they think fit revoke this Order upon such terms as they may think fit.

72. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of  
regulations.

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.

73. Where any security is required under this Order to be given to or by the Undertakers such 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 who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said 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 such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and  
amount of  
security.

74. All things required or authorised under this 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.

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 such orders without further proof unless the contrary is shown.

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 act so certified.

75. All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any

Costs of  
applications  
for approval

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or consent  
Board of  
Trade.

tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor. Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may from time to time if they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

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

76. Where the Board of Trade 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 where the Board of Trade upon the application of the local authority or the Undertakers revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of  
application for  
extension of  
time &c. to be  
given to local  
authority.

77. Where 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 such 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.

Recovery and  
application of  
penalties.

78. All penalties under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered in a summary manner before a court of summary jurisdiction.

Any such penalty recovered on prosecution by an officer of the local authority shall if there is an electric inspector for the time being appointed by the local authority be paid to such officer and by him to the local authority and shall be applied in aid of the local rate.

Any such penalty recovered on prosecution by any other body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers  
to be respon-  
sible for all  
damages.

79. 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 such accidents damages and injuries.

As to mort-  
gages.

80. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or



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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 this 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 such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

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81. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this 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 clause  
for Postmaster  
General.

82. Nothing in this Order shall exonerate the Undertakers from any indictment action or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers  
not exempted  
from proceed-  
ings for  
nuisance.

83. Nothing in this 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 commencement of this Order.

Provisions as  
to general  
Acts.

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## SCHEDULES.

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### FIRST SCHEDULE.

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Area of supply :—

The whole of the municipal borough of Ashton-under-Lyne as the same is constituted at the commencement of this Order.

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SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order :

Wellington Road (from Bentinck Street to Market Street)	Turner Lane (from Wellington Road to Lord Street)
Market Place	Scotland Street
Market Street	George Street
Old Street	Cavendish Street (from Manchester Sheffield and Lincolnshire Railway to Wellington Road)
Stamford Street (from Henry Square to Stamford Crescent)	Mill Lane (from Lower Wharf Street to Stamford Street)
Henry Square	Hill Street Mossley Road (from Stamford Street to near Hey's Colliery)
Welbeck Street (from Whittington Street to Katherine Street)	Bentinck Street
Victoria Street	Portland Street
Stockport Road (from Trafalgar Square to Chester Square)	Margaret Street (from Chester Square to Katherine Street)
Chester Square	Cowhill Lane.
Oldham Road (south of Wellington Road)	
Katherine Street (from Margaret Street to Whiteacre Road)	
Warrington Street	

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

(a.) Streets :

None

(b.) Railways :

None.

(c.) Tramways :

Manchester Carriage and Tramways Company's Tramways.



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FOURTH SCHEDULE.

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In this Schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

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

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this Schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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BOURNEMOUTH ELECTRIC LIGHTING.

*Bournemouth. Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Brush Electrical Engineering Company, Limited, in respect of the district of the Bournemouth Improvement Commissioners, and part of the district of the Poole Urban Sanitary Authority.*

*Preliminary.*

Short title.

1. This Order may be cited as the Bournemouth Electric Supply (Brush) Order, 1890.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order 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 Order the same respective meanings, provided that in this Order---

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied :

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

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

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



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The expression "consumer's terminals" shall mean 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 :

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The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have 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 such line is, whether through induction or otherwise, in any manner affected :

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

The expression "tramway" shall mean any tramway laid along any street :

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof :

The expression "county council" shall mean the Southampton County Council :

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers, together with this Order, and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 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 11 feet, with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

Commence-  
ment of Order.

*Address and Description of the Undertakers.*

4. The Undertakers for the purpose of this Order are the Brush Electrical Engineering Company, Limited, being a company registered under the Companies' Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 112, Belvedere Road, London.

Address and  
description of  
Undertakers.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or persons supplying energy under any license, Provisional Order, or special Act unless the Undertakers are authorised by Parliament to do so.

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

*Area of Supply.*

Area of supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the areas included in the First Schedule, which said areas are more particularly delineated upon the deposited map, and thereon coloured blue and green respectively.

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this 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 license granted by the Board of Trade.

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

*Security and Accounts.*

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, 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 this Order throughout the area of supply.

The Undertakers shall also, within six months after the commencement of this Order, or 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 the sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade 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 this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them from time to time 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 this Order in every street, or part of a street, specified in that behalf in the



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Second Schedule, or at such earlier dates by such instalments as may from time to time be approved by the Board of Trade. A.D. 1890.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business. *Bournemouth.*  
Separate accounts to be kept of undertaking.

9. The annual statement of accounts of the undertaking, before being published, as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the county council shall from time to time appoint, and the remuneration of the auditor shall be such as the county council shall from time to time direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the county council shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt. *Audit of Undertakers' accounts.*

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

The county council may from time to time make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.

*Nature and Mode of Supply.*

10. Subject to the provisions of this 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:— *Systems and mode of supply.*

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may from time to time impose; and
- (2.) 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 any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval; and
- (3.) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects, with due regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling

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communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to such electric circuits, or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works, or worked their undertaking in contravention of this sub-section, such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action or otherwise in relation to any of the matters aforesaid.

*Works.*

Powers for  
execution of  
works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such 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.

Nothing in this 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 are specified in the said schedule, without the consent of the authority, company, or person by whom such 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 such consent the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may also from time to time 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 such boxes: Provided that no such box shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

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 may otherwise



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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.

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.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such 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 to a penalty not exceeding five pounds for every such offence, and to a daily penalty of five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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.

13. The Undertakers shall not, without the express consent of the local authority, place any electric line above ground along over or across any street or public place, or (except in the case of any electric line so placed before the commencement of this Order and during the time limited by this section for the removal thereof) supply energy by means of any electric line so placed: Provided that within the district of the Bournemouth Improvement Commissioners the Undertakers shall not without such consent as aforesaid place any electric line above ground.

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—  
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Prohibition  
of overhead  
wires.

Where any electric lines of the Undertakers have been placed above ground as aforesaid before the commencement of this Order, they shall be removed by the Undertakers within a period of one year after such commencement: Provided that this provision shall not apply to any such electric lines to which the local authority shall consent or have consented.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

14. 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 such works (not being the repairs renewals, or amendments of existing works of which the

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

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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 such works are intended to be executed, and the manner in which it is intended that such 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 from time to time give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

- (b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such 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 of 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 such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (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 such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same 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 such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall



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be 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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Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this 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 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 and  
tramways.

(a.) One month before commencing the execution of any such works (not being the 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 this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such 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 such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may 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, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 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 such 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

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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 from time to time repair, renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this 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 settled 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, who shall have the right to be present during the execution of such works.

(g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

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

16. The local authority, and 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 may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time 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



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specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of the local authority, or other body or person, as the case may be, and may from time to time amend or revoke any such notice by another notice similarly served. Where the local authority, or any such body or person as aforesaid (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 such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

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- (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 such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this 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 such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (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 such 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 to at once 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 such 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

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this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, 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 having cognizance of the case shall be 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 before a court of summary jurisdiction.

(h.) The givers of the notice may from time to time, if they think fit, require 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 Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such 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 this 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 from time to time alter the position of any pipes (not 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 this 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 such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

(a.) One month before commencing any such alteration the Undertakers, or such 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 such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners” describing the proposed alteration, together with a plan showing the manner in which it is intended such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.



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- (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such 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 such question, unless settled by agreement, shall be settled 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 such 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 such pipes, wires, electric lines, or works are used so far as may be 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 such 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 this 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 settled 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 such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such 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 less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (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

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with such notification, the operators may themselves proceed to execute such 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 notifications of any operators under this section shall be repaid to them by such operators, and may be recovered summarily before a court of summary jurisdiction.

(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 said 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 this 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 such alterations until such 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 this 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case shall be 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.

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

18. 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 such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such 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 such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may



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from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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 such 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.

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

If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds; provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions 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 pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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 under the principal Act, but not under this Order.

19. In the exercise of any of the powers of this 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

For protection  
of railway and  
canal com-  
panies.

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For protection  
of telegraphic  
and telephonic  
wires.

20. Seven days before commencing to lay down any electric line, or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines 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 body or person for the time being entitled to such wires or lines, notice in writing specifying the course, nature, and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

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

*Compulsory Works.*

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

21.—(1.) The Undertakers shall, within a period of two years after the commencement of this 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 Second Schedule, and shall thereafter maintain the same.



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(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

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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 this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof), forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such street, and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

22. 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, the Undertakers shall 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 such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this 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 such particular consumer.

As to laying of electric line under special agreement.

23. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may 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 this Order.

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

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Manner in  
which requisition  
is to be  
made.

24. 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 four or more owners or occupiers of premises along such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

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

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

Provisions on  
requisition by  
owners or  
occupiers.

25. 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 such requisition is signed, stating that they decline to be bound by the requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such 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 shall be specified by the Undertakers in such notice: Provided that in such 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 such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively 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 such persons under such 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.

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



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varied, they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade, who, after such inquiry, if any, as they shall 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 per-centage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

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If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice agreement or security such difference shall be determined by arbitration.

26. Where any such requisition is made by the local authority it shall not be binding on the Undertakers unless at the time when such 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.

Provisions on  
requisition  
by local  
authority.

*Supply.*

27. 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 this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, 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 may be entitled to be supplied under this Order, subject to the conditions following (that is to say):—

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

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 such owner or in the possession of such 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 such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to

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be supplied and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) 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 same, 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 pounds 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 such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such 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.

Provided always that the Undertakers may, after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such 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 such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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 unduly or improperly interfere 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 such premises so long as such user continues.

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.

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, such difference shall be determined by arbitration.

Where any house is divided into flats or other parts separately occupied every such flat or part so occupied shall for the purposes of this Order in relation to the supply of energy be deemed to be separate premises.

Maximum  
power.

28. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time require to be supplied with, not exceeding what may be reasonably anticipated as the



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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 such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

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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, such difference shall be determined by arbitration.

29. The Undertakers 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 this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Supply of  
energy to  
public lamps.

30. 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 this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for  
failure to  
supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such 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.

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Price:

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Methods of  
charging.

31. 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 such supply; or
- (3.) By such other method as may for the time being be approved by the Board of Trade.

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 such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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

Maximum  
prices.

32. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 said schedule 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 said schedule: 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 the same were last altered.

Other charges  
by agreement.

33. Subject to the provisions of this Order and of the principal Act, and to the right of the customer 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 such charges are to be ascertained, and may charge accordingly.



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34. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, 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.

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Price to  
public lamps.

*Electric Inspectors.*

35. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

Appointment  
of electric  
inspectors.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (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 this Order or of any regulations under this Order.

The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may from time to time, 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 such 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.

36. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may from time to time determine, and such 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 this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine.

Remuneration  
of electric  
inspectors.

37. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public, which may have

Inquiry by  
Board of  
Trade.

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Bournemouth. the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such 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 this Order.

*Testing and Inspection.*

Testing of  
mains.

38. 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 such 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 may think expedient, but, except under the provisions of a special order in that behalf made 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 such inspector for the purpose of any such testing as aforesaid. Provided also that such 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 a special order in that behalf made by the Board of Trade.

Testing of  
works and  
supply on  
consumer's  
premises.

39. An electric inspector, if and when required to do so by any consumer, shall from time to time, 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 this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers  
to establish  
testing stations.

40. 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, or where the local authority are the Undertakers, as the Board of Trade shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such 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 such testing, or as to the performance



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by the Undertakers of their duties under this section, such dispute shall be determined by arbitration. A.D. 1890.

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41. 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 from time to time approved of or prescribed by the Board of Trade, and shall from time to time take and record, and keep recorded, such observations as the Board of Trade may from time to time prescribe, and any observations so recorded shall be receivable in evidence. Undertakers to keep instruments on their premises.

42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this order may from time to time examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence. Readings of instruments to be taken.

43. Any electric inspector appointed under this 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 the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order. Electric inspector may test Undertakers' instruments.

44. 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 such officer or agent shall not interfere with the testing or inspection. Representation of Undertakers at testings.

45. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this 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. Undertakers to give facilities for testing.

46. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence. Report of results of testing.

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

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Expenses  
of electric  
inspector.

47. Save as otherwise provided by, this Order, or by any regulations under this Order, 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.

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, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

*Meters.*

Meters to be  
used, except  
by agreement.

48. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be  
certified.

49. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electrical inspector appointed under this 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 of by the Board of Trade; and every such meter is in this Order 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, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to  
certify meters.

50. Every 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 the same as a certified meter if he considers it entitled to be so certified.

Undertakers  
to supply  
meters if  
required to  
do so.

51. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary



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acts : Provided that previously to supplying any such meter, the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

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52. No consumer shall connect any meter used or to be used under this 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 so to do, 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.

53. 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 such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

Consumer to keep his meter in proper order.

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 such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

54. 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 such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Power to the Undertakers to let meter.

55. The Undertakers shall, unless the agreement of 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 such value, and, in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such 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 such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

Undertakers to keep meter let for hire in repair.

56. 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 such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value

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

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has been correctly registered in any case by any meter, such difference 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, who shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such 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 ex-  
penses of  
providing new  
meters where  
method of  
charge altered.

57. 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 such main, the Undertakers shall pay to such 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 such new method of charging, and such 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  
thereof.

58. 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 from time to time 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 such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply : Provided that such 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 and  
deposited.

59. The Undertakers shall forthwith, after commencing to supply energy under this 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 such map to be duly corrected so as to show the then existing lines and levels. 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 shall prescribe.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall



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at all reasonable times be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

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The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him, a copy of any such map or section, and from time to time cause such 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.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

*Compulsory Purchase by Local Authority.*

60. At any time after the expiration of twenty-one years, and before the expiration of forty-two years after the commencement of this Order, the local authority may require the Undertakers to sell their undertaking or so much thereof as shall be within the jurisdiction of the local authority on the terms and subject to the provisions of section two of the Electric Lighting Act, 1888. Provided that the words, "but without any addition in respect of compulsory purchase or of goodwill, or of any profits which may or might have been or be made from the undertaking, or of any similar considerations," contained in that section, shall not apply to any purchase under the provisions of this section.

Compulsory  
purchase by  
local authority.

*Special Provisions in case of Transfer.*

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Application  
of moneys.  
received by  
the local  
authority as  
Undertakers.

(A.) All moneys from time to time 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 this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

- (1.) 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.
- (2.) 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.



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(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital.

(5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, 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 stocks or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable from time to time 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 from time to time as often as such 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 such 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 the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and  
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time acquire by purchase or on lease and use



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any lands for the purposes of this Order, and may also for such purposes use any other lands which may for the time being be vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may from time to time 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 this 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.

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Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order, ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes 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 such persons who may be residing with them.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation  
of sections 264  
and 265 of  
Public Health  
Act, 1875.

*Notices, &c.*

64. Notices, orders, and other documents under this 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.

65. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such 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 such council;

(d.) In the case of any local authority, the office of such local authority;

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- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company ;
- (f.) 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 such person.

Where any notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A notice, order, or document by this Order 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.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this 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 such 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.

*Revocation of Order.*

Revocation of  
Order where  
Undertakers  
are insolvent.

66. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any further representations of the local authority, revoke this 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

67. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on



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with profit, and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this 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.

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cannot be  
carried on  
with profit.

68. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority, upon such terms as the Board of Trade may think just.

Revocation of  
Order with  
consent.

69. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :—

Provisions  
where Order  
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order 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 such 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, such 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 this 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 such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(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 may have been placed, may (subject however to any agreement between the local authority or such body or person and the

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Undertakers providing for the removal of such works by the Undertakers) forthwith remove such 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 such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

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), 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 such 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 by this Order granted to the Undertakers, or for any expenses to which such local authority, body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such 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 an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

*General.*

Remedying of  
system and  
works.

70. If at any time it is represented to 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or



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the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any works 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 in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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Provided that in any case appearing to them to affect the public safety or any telegraphic line of the Postmaster-General, the Board of Trade may, 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 such user continues.

Provided also that if the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any such order in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

71. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

Publication of  
regulations.

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.

72. Where any security is required under this Order to be given to or by the Undertakers, such 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, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said 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 such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Nature and  
amount of  
security.

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*Bournemouth.*  
Proceedings of  
Board of Trade.

73. All things required or authorised under this 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.

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 such orders without further proof, unless the contrary is shown.

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 act so certified.

Costs of appli-  
cations for  
approval or  
consent of  
Board of Trade.

74. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may from time to time, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of  
approval of  
Board of Trade,  
&c. to be given  
by advertise-  
ment.

75. Where the Board of Trade, 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 where the Board of Trade, upon the application of the local authority, or the Undertakers, revoke this order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of  
application for  
extension of  
time, &c., to be  
given to local  
authority.

76. Where 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 such 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.

Recovery and  
application of  
penalties.

77. All penalties under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before a court of summary jurisdiction.

Any such penalty recovered on prosecution by an officer of the local authority shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.



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Any such penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person. A.D. 1890.  
—  
*Bournemouth.*

78. 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 such accidents, damages, and injuries. Undertakers to be responsible for all damages

79. Nothing in this Order shall prevent the Undertakers 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 this 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 such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect. As to mortgages.

80. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this 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 clause for Postmaster-General.

81. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them. Undertakers not exempted from proceedings for nuisance.

82. Nothing in this 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 commencement of this Order. Provision as to general Acts.

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SCHEDULES.

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FIRST SCHEDULE.

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AREA OF SUPPLY.

The district of the Bournemouth Improvement Commissioners as constituted at the commencement of this Order and so much of the district of the Poole Urban Sanitary Authority as is bounded by a line which starts from a point on the western boundary of the western road about 100 yards south-west of All Saints' Church proceeding in a north-easterly direction to the southern boundary of the Tower Road following this boundary until it meets the Poole municipal boundary then following the municipal boundary in a northerly direction through three boundary stones one in the grounds of the house "Forest View" another on the eastern side of Burton Road and another on southern side of Poole Road near the house "Staunton Harold" following thence the southern boundary of the Poole Road to the entrance to Branksome Park in Bourne Valley, thence along the western side of the road leading thence into Withington Road and Withington Road and thence along the north side of Osborne Road, west side of North Road and Western Road to the point on west side of Western Road about 100 yards south-west of All Saints' Church.

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SECOND SCHEDULE.

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List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

Poole Road (portion east of Westbourne Arcade).

Commercial Road.

The Square.

Old Christchurch Road.

Christchurch Road (portion west of Boscombe Hill).

West Hill Terrace.

Burley Road.

West Cliff Road (portion east of junction with Durley Dean Road).

Priory Road.

Exeter Road (portion south of junction with Priory Road).

Pier Approach.

Bath Hill (to a point in front of Bath Hotel).

Albert Road (from Old Christchurch Road to Town Hall).



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St. Peter's Church Terrace (from Old Christchurch Road to Post Office). A.D. 1890.  
Queen's Road (from point south-west of pleasure gardens to Branksome Wood Road). *Bournemouth.*

### THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(a.) Streets.

Brimstead Road	Throop Road
Lindsay Road	Stewart Road
Western Road	Malmesbury Park Road
Burton Road	Nortoft Road
Balcombe Road	Shelbourne Road
Dover Road	Capstone Road
Osborne Road	Stanley Road
North Road	Hamilton Road
Withington Road	Malmesbury Gardens
Princess Road	Fitz Harris Road
Tower Road	Dunford Road
Forest Road	Lincoln Avenue
Road connecting Withington Road with Bourne Valley	Washington Avenue
Stewart Road	Portman Place
Burnaby Road	The Arcade, Bournemouth
Beresford Road	The Arcade, Westbourne
Earle Road	Dorset Road
Morley Road	Branksome Hill Road
Ipswich Road	Foot-road belonging to the Brank- some Estate which runs on the South side of the Pleasure Gardens.
Nelson Road	Pine Tree Glen
Carlton Road	Pine Tree Avenue
South part of Church Road	Grosvenor Road
Road from Manor Road to Cliff	Hawkwood Road
Marlborough Road	Heathcote Road
Clarendon Road	Beckley Road
Durrant Road	Road from Beckley Road to Michel- grove Road
Road from Prince of Wales Road to Talbot Woods	Crabton Close Road
Braidley Road and its branches	Michelgrove Road
Rushton Crescent	

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A.D. 1890.	Watkin Road	Horace Road
<u>Bournemouth.</u>	Percy Road	Cecil Road
	Florence Road	Park Road
	Sydney Road	Blind Road abutting on Cavendish Road
	Boscombe Drive	Cavendish Road Branches
	Dell Road	Wootton Gardens
	Vale Road	Exeter Park
	Spring Road	Beckford Road
	Road from Boscombe Grove Road to Ashley Road	Richmond Terrace
	Church Road	Wolverton Road
	Montague Road	Richmond Gardens Road
	Churchill Road	Langton Road
	Borthwick Road	Gladstone Road
	Walpole Road	Haviland Road
	Carysfort Road	Avon Road
	Campbell Road	The Quadrant.
	Palmerston Crescent	
	(b.) Railways.—None.	
	(c.) Tramways.—None.	

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FOURTH SCHEDULE.

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

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence: and for each unit over twenty units, eightpence.

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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COATBRIDGE ELECTRIC LIGHTING.

A.D. 1890.

*Provisional Order granted by the Board of Trade under the  
Electric Lighting Acts, 1882 and 1888, to the Scottish  
House-to-House Electricity Company, Limited, in respect  
of the burgh of Coatbridge, in the county of Lanark.*

Coatbridge.

*Preliminary.*

1. This Order may be cited as the Coatbridge Electric Supply Order, 1890. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order 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 Order the same respective meanings, provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied:

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

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order:

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers.

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Coatbridge.

The expression "consumer's terminals" shall mean 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, shall have 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 such line is, whether through induction or otherwise, in any manner affected.

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

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expression "sheriff" shall include sheriff-substitute.

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule" shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively.

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers, together with this Order, and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 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 11 feet, with such detail, plan, and sections as may be necessary.

Commence-  
ment of Order

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

*Address and Description of the Undertakers.*

Address and  
description of  
Undertakers.

4. The Undertakers for the purpose of this Order are the Scottish House-to-House Electricity Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 15, St. Helen's Place, in the city of London.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the Company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying energy under any license, Provisional Order, or special Act unless the Undertakers are authorised by Parliament to do so.



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

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*Area of Supply.*

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this 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 license granted by the Board of Trade.

Prohibition of supply beyond area of supply.

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

*Security and Accounts.*

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, 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 this Order throughout the area of supply.

Security for execution of works.

The Undertakers shall also, within six months after the commencement of this Order, or 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 a sum of five hundred pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade 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 this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them from time to time 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 this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or

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Separate  
accounts to be  
kept of under-  
taking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of  
Undertakers'  
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the sheriff of Lanarkshire shall from time to time appoint, and the remuneration of the auditor shall be such as the said sheriff shall from time to time direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the said sheriff shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily.

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

The said sheriff may from time to time make and vary regulations prescribing the times at and the mode in which such audit shall be made and conducted, or otherwise, for the purpose of giving effect to the provisions of this section.

*Nature and Mode of Supply.*

Systems and  
mode of  
supply.

10. Subject to the provisions of this 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:—

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may from time to time impose; and

(2.) 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 any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval; and

(3.) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects so as not injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic,



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telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to any electric circuits, used or intended to be used for the purposes aforesaid, whether existing at the time of the construction of such mains or other works or not, or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works, or worked their undertaking, in contravention of this sub-section, such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

*Works.*

11. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such 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.

Nothing in this 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 are specified in the said Schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates, as if it had been specified in the said schedule.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may also from time to time 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 such boxes: Provided that no such box shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

Street boxes.

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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 may 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.

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.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such 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 to a penalty not exceeding five pounds for every such offence, and to a daily penalty of five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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.

Prohibition of  
overhead  
wires.

13. The Undertakers shall not, without the express consent of the local authority, place any electric line above ground, along, over, or across any street or public place, or (except in the case of any electric line so placed before the commencement of this Order and during the time limited by this section for the removal thereof) supply energy by means of any electric line so placed.

Where any electric lines of the Undertakers have been placed above ground as aforesaid before the commencement of this Order, they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and the sheriff on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

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

14. 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 such works (not being the repairs, renewals, or amendments of existing works of which the



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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 such works are intended to be executed, and the manner in which it is intended that such 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 from time to time give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

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- (b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such 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 of 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 such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (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 such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same 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 such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of 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 this 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if

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the court having cognizance of the case shall be 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.

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

As to streets  
not repairable  
by local autho-  
rity, railways,  
and tramways.

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

- (a.) One month before commencing the execution of any such works (not being the 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 this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such 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 such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may 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, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 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 such 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



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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 from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this 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 settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

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- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

16. The local authority, and 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 may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time 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, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of the local authority, or other body or person, as the

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



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A.D. 1890. case may be, and may from time to time amend or revoke any such notice  
Coatbridge. by another notice similarly served. Where the local authority, or any such  
body or person as aforesaid (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 such notice  
remains in force the following provisions shall have effect, unless 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 such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as hereinafter provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this 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 such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers, subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge, so far as the same may be applicable.
- (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 such 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 to at once 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 such 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 to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such



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penalties as aforesaid if the court having cognizance of the case shall be 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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- (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 from time to time, if they think fit, require 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 Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by the sheriff, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such 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 this 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.

17. The Undertakers may from time to time alter the position of any pipes (not 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 this 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 such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

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

- (a.) One month before commencing any such alteration the Undertakers, or such 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 such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alteration, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time 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, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works or to



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compensation in respect thereof, or any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 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 such 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 such pipes, wires, electric lines, or works are used, so far as may be 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 such 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 this 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 settled 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 such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such 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 less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (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 such notification, the operators may themselves proceed to execute such alterations, in like manner as they might have done if no such statement as aforesaid had been served upon them.



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(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 such operators, and may be recovered summarily. A.D. 1890.  
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(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 said 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 this 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 such alterations until such 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 this 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds. Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case shall be 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. 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 such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such 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 such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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

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 such 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.

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

If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions 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, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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 under the principal Act, but not under this Order.

For protection  
of railway and  
canal com-  
panies.

19. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, canals, 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. Seven days before commencing to lay down any electric line or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down or placed in any position may be injuriously



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affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the body or person for the time being entitled to such wires or lines, notice in writing specifying the course, nature, and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature and gauge of such electric line and the amount and nature of the current sent along the same, are not altered.

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

*Compulsory Works.*

21.—(1.) The Undertakers shall, within a period of two years after the commencement of this 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 Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains hereinbefore specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

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 this Order has

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



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A.D. 1890. become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

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(3.) Where any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such 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. 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, the Undertakers shall 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 such electric line and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this 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 such particular consumer.

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

23. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof subject to such conditions as they may 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 this Order.

Manner in which requisition is to be made.

24. 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 such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.



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

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

25. 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 such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such 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 shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the consent 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 such distributing mains with the nearest available source of supply.

Provisions on  
requisition by  
owners or  
occupiers.

Where such notice is served, the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively 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 such persons under such 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.

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, who after such inquiry, if any, as they shall 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



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taken for such longer period than three years, and to specify such sum or per-centage whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any person signing any such requisition as to any such notice, agreement, or security such 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 such 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. 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 this Order or any regulations and conditions subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, 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 may be entitled to be supplied under this 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 such owner or in the possession of such 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 such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required



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to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and, A.D. 1890.  
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Enter into a written contract with the Undertakers (if required by them so to do) 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 same, 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 pounds 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 such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such 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.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such 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 such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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 unduly or improperly interfere 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 such premises so long as such user continues.

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.

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, such difference shall be determined by arbitration.

28. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time require to be supplied with, not exceeding what may be reasonably anticipated as the Maximum  
power.

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A.D. 1890. maximum consumption on his premises : Provided that where any consumer  
Coatbridge. 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 such consumer, or any fittings or apparatus  
of the Undertakers upon such premises, consequent upon such alteration,  
shall be paid by him to the Undertakers, and may be recovered summarily.

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,  
such difference shall be determined by arbitration.

Supply of  
energy to  
public lamps.

29. The Undertakers, 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 this Order, or any regula-  
tions and conditions subject to which they are authorised to supply energy  
under this Order, shall give and continue to give a supply of energy to such  
lamps in such quantities as the local authority may from time to time require  
to be supplied.

Penalty for  
failure to  
supply.

30. 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 this Order, they shall be liable to a penalty not  
exceeding forty shillings in respect of every such default for each day on  
which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public  
lamps to which they may be and are required to supply energy under this  
Order, they shall be liable to a penalty not exceeding forty shillings in  
respect of every such default for each such lamp, and for each day on which  
any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance  
with the terms of any regulations and conditions subject to which they are  
authorised to supply energy under this Order they shall be liable to such  
penalties as may by such regulations and conditions be prescribed in that  
behalf.

Provided that the penalties to be inflicted on the Undertakers under this  
section shall in no case exceed in the aggregate the sum of fifty pounds in  
respect of any defaults, not being wilful defaults on the part of the Under-  
takers, for any one day, and provided also that in no case shall any penalty  
be inflicted in respect of any default if the court having cognizance of the  
case shall be of opinion that such 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.



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*Price.*

A.D. 1890.

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

*Coatbridge.*  
Methods of  
charging.

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

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 such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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

32. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Maximum  
prices.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 said schedule 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 said schedule: 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 the same were last altered.

33. Subject to the provisions of this Order and of the principal Act, and to the right of the consumer to require that he shall be charged according

Other charges  
by agreement.



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A.D. 1890. to some one or other of the methods above mentioned, the Undertakers may  
Coatbridge. make any agreement with a consumer as to the price to be charged for  
energy, and the mode in which such charges are to be ascertained, and may  
charge accordingly.

Price to public  
lamps.

34. The price to be charged by the Undertakers and to be paid to them  
for all energy supplied to the public lamps, and the mode in which such  
charges shall be ascertained, shall be settled by agreement between the  
local authority and the Undertakers, and, in case of difference, 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.

*Electric Inspectors.*

Appointment  
of electric  
inspectors.

35. The local authority, so long as they are not themselves the Under-  
takers for the purposes of this Order, may from time to time appoint, and  
keep appointed, one or more competent and impartial person or persons to  
be electric inspectors under this Order.

If no electric inspector is appointed by the local authority, or if the  
inspection of electric lines and works is imperfectly attended to by the  
local authority, or if the local authority themselves become the Undertakers  
for the purposes of this Order, the Board of Trade, on the application of any  
consumer, or of the Undertakers, may from time to time appoint, and keep  
appointed, one or more competent and impartial person or persons to be  
electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as  
follows :—

- (a.) The inspection and testing, periodically and in special cases, of the  
Undertakers' electric lines and works and the supply of energy given  
by the m<sup>ns</sup>;
- (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 this Order or of any regulations under  
this Order.

The local authority, with the approval of the Board of Trade, or the  
Board of Trade, if the inspector is appointed by them, may from time to  
time 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 such 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.

Remuneration  
of electric  
inspectors.

36. The local authority may pay to any electric inspector appointed by  
them under this Order such reasonable remuneration (if any) as they may  
from time to time determine, and such 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 this Order or any regulations of the Board



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of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine. A.D. 1890.

37. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons 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, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such 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 this Order. Coatbridge.  
Inquiry by  
Board of Trade.

*Testing and Inspection.*

38. 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 such 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 may think expedient, but, except under the provisions of a special order in that behalf made 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 such inspector for the purpose of any such testing as aforesaid. Provided also that such 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 a special order in that behalf made by the Board of Trade. Testing of  
mains.

39. An electric inspector, if and when required to do so by any consumer, shall from time to time, 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 this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy. Testing of  
works and  
supply on  
consumer's  
premises.

40. 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, or, where the local authority are the Undertakers, as the Board of Trade shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means Undertakers  
to establish  
testing stations.



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- A.D. 1890. — of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.
- Coatbridge.* If any dispute arises between the local authority and the Undertakers as to whether the number of such 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 such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.
- Undertakers to keep instruments on their premises. 41. 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 from time to time approved of or prescribed by the Board of Trade, and shall from time to time take and record, and keep recorded, such observations as the Board of Trade may from time to time prescribe, and any observations so recorded shall be receivable in evidence.
- Readings of instruments to be taken. 42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may from time to time examine and record the readings of such instruments, at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.
- Electric inspector may test Undertakers' instruments. 43. Any electric inspector appointed under this 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 the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.
- Representation of Undertakers at testings. 44. 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 such officer or agent shall not interfere with the testing or inspection.
- Undertakers to give facilities for testing. 45. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this 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. 46. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be) by whom he was required



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to make such testing, and to the Undertakers, and such report shall be receivable in evidence. A.D. 1890.

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

*Coatbridge.*

47. Save as otherwise provided by this Order, or by any regulations under this Order, all fees and reasonable expenses of an electric inspector shall, unless agreed, be ascertained by the sheriff or (where the inspector is appointed by them) by the Board of Trade, and shall be paid by the Undertakers. Expenses of electric inspector.

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, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the sheriff or Board, having regard to such report or decision, shall direct, and may be recovered summarily.

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainer or defender as the court shall direct.

*Meters*

48. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order. Meters to be used except by agreement.

49. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this 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 of by the Board of Trade; and every such meter is in this Order 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, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order. Meter to be certified.

50. Every 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 the same as a certified meter if he considers it entitled to be so certified. Inspector to certify meters.



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Undertakers  
to supply  
meters if  
required to  
do so.

51. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such 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 such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to  
be connected  
or disconnected  
without notice.

52. No consumer shall connect any meter used or to be used under this 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 so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to  
keep his meter  
in proper  
order.

53. 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 such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

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 such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Power to the  
Undertakers  
to let meter.

54. 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 such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily.

Undertakers to  
keep meters  
let for hire in  
repair.

55. The Undertakers shall, unless the agreement of 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 such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default



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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 such re-certifying is thereby rendered necessary, shall be paid by the Undertakers.

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56. 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 such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference 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, who shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such 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.

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

57. 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 such main, the Undertakers shall pay to such 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 such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily.

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

58. 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 from time to time 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 such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply : Provided that such 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.

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

*Maps.*

59. The Undertakers shall forthwith, after commencing to supply energy under this 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 such map to be duly

Map of area of supply to be made and deposited.

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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 shall prescribe.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so 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 such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him a copy of any such map or section, and from time to time cause such 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.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections, they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

*Special Provisions in case of Transfer.*

Application  
of moneys  
received by  
local authority  
as Undertakers.

60. If the local authority become the Undertakers for the purposes of this Order, the following provisions shall have effect:—

(A.) All moneys from time to time 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 this Order and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) 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.

(2.) 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.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital.



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(5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, 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 the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable from time to time 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 from time to time as often as such reduction happens.

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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 such 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 the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows :—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order, the following provision shall have effect :—

Purchase and  
use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may from time to time acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by

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them, but subject as to such last-mentioned lands to the approval of the Secretary for Scotland, and may from time to time 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 this 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 Secretary for Scotland.

Provided also that the Undertakers shall not, except with the consent of the Secretary for Scotland, take for the purposes of this Order ten or more houses, which after the passing of the Act confirming this Order have been, or on the fifteenth day of December last were occupied, either wholly or partially, by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section, the expression "labouring class" means and includes mechanics, artizans, 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 such persons who may be residing with them.

*Notices, &c.*

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

62. Notices, orders, and other documents under this 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.

Service of  
notices, &c.

63. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (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 such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
- (f.) 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 such person.

Where any notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.



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A notice, order, or document by this Order 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.

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A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this 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 such 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.

*Revocation of Order.*

64. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any further representations of the local authority, revoke this 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 Undertakers are insolvent.

65. If at any time after the commencement of this Order the Undertakers 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 such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this 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 of Order where undertaking cannot be carried on with profit.

66. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority, upon such terms as the Board of Trade may think just.

Revocation of Order with consent.



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Provisions  
where Order  
revoked.

67. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :—

- (a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order 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 such 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, such 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 this 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 such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.
- (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 may have been placed, may (subject, however, to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such 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 such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.



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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), 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 such 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.

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- (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 by this Order granted to the Undertakers, or for any expenses to which such local authority, body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such 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 an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

*General.*

68. If at any time it is represented to the local authority or 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; 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 in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in

Remedying of  
system and  
works.

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complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Provided that in any case appearing to them to affect the public safety or any telegraphic line of the Postmaster-General, the Board of Trade may 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 such user continues.

Provided also that if the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any such Order in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

Publication of regulations.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same, at a price not exceeding sixpence for each copy.

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.

70. Where any security is required under this Order to be given to or by the Undertakers, such 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 the sheriff, who may also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of the sheriff shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

71. All things required or authorised under this 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.

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 such orders without further proof, unless the contrary is shown.



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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 act so certified.

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72. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the costs of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may from time to time, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Costs of applications for approval or consent of Board of Trade.

73. Where the Board of Trade, 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 where the Board of Trade, upon the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

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

74. Where 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 such 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.

75. All penalties under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, and all fees, expenses and other moneys by this Order stated to be recoverable summarily, may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881.

Recovery and application of penalties.

Any such penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer, and by him to the local authority, and shall be applied in aid of the local rate.

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

76. 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,

Undertakers to be responsible for all damages.

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A.D. 1890. *Coatbridge.* 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 such accidents, damages, and injuries.

As to mortgages.

77. Nothing in this Order shall prevent the Undertakers 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 this 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 such 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 clause for Postmaster-General.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this 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.

Undertakers not exempted from proceedings for nuisance.

79. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Provision as to general Acts.

80. Nothing in this 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 commencement of this Order.

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SCHEDULES.

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FIRST SCHEDULE.

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AREA OF SUPPLY.

The whole of the burgh of Coatbridge as the same is constituted at the commencement of this Order.

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[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcvi.]  
(No. 10) Act, 1890.

SECOND SCHEDULE.

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A.D. 1890  
Coatbridge.

*List of Streets and Parts of Streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.*

Main Street.

Academy Street.

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THIRD SCHEDULE.

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*List of Streets not repairable by the local authority, railways, and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.*

(a.) *Streets* :—

Dunbeth Avenue.

West George Street.

Alexander Street.

Ronald Street.

Park Street.

Inveresk Place.

East George Street.

King Street.

(b.) *Railways* :—

None.

(c.) *Tramways* :—

None.

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FOURTH SCHEDULE.

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In this schedule—

The expression “unit” shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter :—For any amount up to twenty units, sixteen shillings and eightpence ; and for each unit over twenty units, tenpence.

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SECTION 2.

Coatbridge.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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(No. 10) Act, 1890.

HASTINGS (PUBLIC PURPOSES) ELECTRIC LIGHTING.

A.D. 1890.

*Hastings  
(Public  
Purposes).*

*Provisional Order granted by the Board of Trade under the  
Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen  
and Burgesses of the borough of Hastings, in the county of  
Sussex, in respect of the borough of Hastings.*

*Preliminary.*

1. This Order may be cited as the "Hastings (Public Purposes) Electric Lighting Order, 1890." Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order 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 Order the same respective meanings, provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied;

The expression "main" shall mean an electric line which may be laid down by Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers;

The expression "service line" shall mean any electric line through which the energy may be supplied or intended to be supplied by the Undertakers to any building or place either from any main or directly from the premises of the Undertakers;

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines;

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order;

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General, shall have 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 such line is, whether through induction or otherwise, in any manner affected.

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

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A.D. 1890.	The expression "tramway" shall mean any tramway laid along any street.
<u>Hastings</u> (Public Purposes).	The expression "daily penalty" shall mean a penalty for each day on which an offence is continued after conviction thereof.
	The expressions "First Schedule" and "Second Schedule" shall mean the First and Second Schedules to this Order annexed respectively.
	The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade.
	The expression "plan" shall be held to mean 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, with such detail plan and sections as may be necessary.
Commence- ment of Order.	3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

*Description of the Undertakers.*

Description of Undertakers.	4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor, aldermen and burgesses of the borough of Hastings.
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*Area of Supply.*

Area of supply.	5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.
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*Nature and Mode of Supply.*

Systems and mode of supply.	<p>6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for the following public purposes, that is to say, the lighting any street, building or place belonging to, or subject to the control of the local authority: Provided as follows:—</p> <p>(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public as the Board of Trade may from time to time impose; and</p> <p>(2) 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 any such regulations and conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions (if any) of such approval; and</p>
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(3) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects so as not injuriously to affect the working of any existing electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to any electric circuits used or intended to be used for the purposes aforesaid, whether existing at the time of the construction of such mains or other works or not or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works, or worked their undertaking in contravention of this sub-section, such question shall be determined by arbitration and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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(*Public*  
*Purposes*).

Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

*Lands.*

7. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purpose use any other lands for the time being vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may from time to time 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 this 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.

Purchase and  
use of lands.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses, which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artizans, 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 such persons who may be residing with them.

*Works.*

8. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on

Powers for  
execution of  
works.

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(No. 10) Act, 1890.

A.D. 1890. them by this Order and the principal Act, and may break up such streets not repairable by the local authority, and such railways and tramways (if any) as are specified in the Second Schedule, so far as such 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.

*Hastings*  
(*Public*  
*Purposes*).

Nothing in this 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 are specified in the said schedule, without the consent of the authority, company, or person by whom such 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 such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may also from time to time 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 such boxes.

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 may 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.

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.

Notice of  
works, with  
plan, to be  
served on the  
Postmaster-  
General.

10. 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 such works (not being the 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 describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed, and the manner in which it is intended that such street or bridge is to be interfered with, and



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shall, upon being required to do so by the Postmaster-General, from time to time give him any such further information in relation thereto as he may desire.

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(*Public*  
*Purposes*).

- (B) The Postmaster-General may in his discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such approval or disapproval to the Undertakers.
- (C) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapproves of 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 such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (D) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him, he shall be deemed to have approved such works and plan.
- (E) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same 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 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 such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of 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 this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

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



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*Hastings*  
(*Public*  
*Purposes*).

As to streets  
not repairable  
by local autho-  
rity, railways  
and tramways.

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

- (A) One month before commencing the execution of any such works (not being the 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 this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such 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 such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may 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, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement shall be settled 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 such 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 from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this 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 settled



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by arbitration as herein-before mentioned, or as may be agreed upon between the parties. A.D. 1890.

(F) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.

*Hastings*  
(*Public*  
*Purposes*).

(G) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless 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 such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default, 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, having cognizance of the case, shall be 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.

12. 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 may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time 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, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of such body or person, and may from time to time amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (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 such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

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

(A) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except



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where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.

- (B) In addition to any other notices which they may be required to give under the provisions of this 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 such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (C) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (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 such 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 to at once 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 such 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 to a penalty not exceeding ten pounds for every such offence, 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 having cognizance of the case shall be 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 before a court of summary jurisdiction.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties



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conferred or imposed upon them by this 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.

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(*Public*  
*Purposes*).

13. The Undertakers may from time to time alter the position of any pipes or 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 this 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 such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:—

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

- (A) One month before commencing any such alteration the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or persons for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alteration, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time 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, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such 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 such question, unless settled by agreement, shall be settled 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 such 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 such pipes, wires, electric lines, or works are used, so far as may be 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 such 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 this 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

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as may have been settled 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 such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such 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 less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (G) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (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 such notification, the operators may themselves proceed to execute such 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 such operators, and may be recovered summarily before a court of summary jurisdiction.
- (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 said 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 this 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 such alterations until such 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 this 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 to a penalty not exceeding ten pounds for every such default, and to a daily



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penalty not exceeding five pounds: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case shall be 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.

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(Public  
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14. 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 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 such gas or water company (as the case may be), in this section referred to as the "operators" shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to such 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 such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such main pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owner thereof, repair any damage that may be done thereto.

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

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

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 such 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.

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

If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not

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exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions 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, water-course, defence, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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 under the principal Act but not under this Order.

For protection  
of railway and  
canal com-  
panies.

15. In the exercise of any of the powers of this 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.

16. Seven days before commencing to lay down any electric line, or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines 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 body or person for the time being entitled to such wires or lines notice in writing, specifying the course, nature, and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are supposed to be used; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the body or person entitled to any such wire or line for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default, and



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to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wires or lines affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

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(*Public*  
*Purposes*).

*Maps.*

17. The Undertakers shall forthwith, after commencing to supply energy under this 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 such 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 section shall be on such scale or scales as the Board of Trade shall prescribe.

Map of area  
of supply to  
be made and  
deposited.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so 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 such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him a copy of any such map or section, and from time to time cause such 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.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

*Notices, &c.*

18. Notices, orders, and other documents under this 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 Undertakers, the signature thereof by their clerk shall be sufficient authentication.

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



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Service of  
notices, &c.

19. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (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 such council ;
- (D) In the case of any local authority, the office of such local authority ;
- (E) In the case of any company having a registered office, the registered office of such company ;
- (F) In the case of a company having an office or offices, but no registered office, the principal office of such company ;
- (G) In the case of any other person, the usual or last known place of abode of such person.

Where any notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A notice, order, or document by this Order 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.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this 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 such 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.

*Revocation of Order.*

Revocation of  
Order with  
consent.

20. The Board of Trade may revoke this Order at any time with the consent and concurrence of the Undertakers, upon such terms as the Board of Trade may think fit.

Provisions  
where Order  
revoked.

21. If the Board of Trade at any time revoke this Order as to the whole or any part of the area affected thereby, any persons who may be liable to repair any street or part of a street within such area or part thereof in which any



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works of the Undertakers may have been placed, may forthwith remove such work with all reasonable care, and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons, or if so required, by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

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 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 such 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.

*General.*

22. The Board of Trade may, if they deem it necessary, appoint any fit person or persons 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, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section shall have access to the Undertakers' works, and may make such testings of the Undertakers' lines and take such observations as may be necessary for the purposes of the inquiry.

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*Hastings*  
(*Public*  
*Purposes*).

Inquiry by  
Board of Trade.

23. If at any time it is represented to 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order, or (B) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, 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 in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with such order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying of  
system and  
works.

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Provided that in any case appearing to them to affect the public safety or any telegraphic line of the Postmaster-General, the Board of Trade may, 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 such user continues.

Provided also that where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any such order in respect thereof with the time therein limited in that behalf, the Board of Trade may, if they think fit, revoke this Order on such terms as they may think just.

Publication of  
regulations.

24. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the Undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

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.

25. Where any security is required under this Order to be given to or by the Undertakers, such 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, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said 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 such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of  
Board of Trade.

26. All things required or authorised under this 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 an assistant secretary of the Board.

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 such orders without further proof unless the contrary is shown.

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 act so certified.



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27. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may from time to time, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

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*Hastings*  
(*Public*  
*Purposes*).  
Costs of appli-  
cations for  
approval or  
consent of  
Board of Trade.

28. Where the Board of Trade, 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 revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each two successive weeks in some one and the same local newspaper by the Undertakers.

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

29. All penalties under this Order or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before a court of summary jurisdiction.

Recovery and  
application of  
penalties.

Any such penalty recovered on prosecution by any body or person, or any part thereof, may, if the Court shall so direct, be paid to such body or person.

30. 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 such accidents, damages, and injuries.

Undertakers  
to be respon-  
sible for all  
damages.

31. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order, and for the purposes of this Order, in the construction of the said provisions, "this Act" means this Order, and the principal Act and the "local authority" means the Undertakers.

Incorporation  
of sections 264  
and 265 of  
Public Health  
Act, 1875.

32. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this 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 clause  
for Postmaster-  
General.

33. Nothing in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or

Saving rights  
of the Crown  
in the foreshore



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under the  
management  
of the Board  
of Trade.

of any 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 this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Saving rights  
of the Crown in  
the foreshore  
under the  
management  
of the Commis-  
sioners of  
Woods.

34. Nothing in this Order shall authorise the Undertakers to take, use, or in any manner interfere with any portion of the shore of the sea, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Woods, without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Undertakers  
not exempted  
from proceed-  
ings for nui-  
sance.

35. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Provision as to  
general Acts.

36. Nothing in this 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 which may be passed after the commencement of this Order.

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S C H E D U L E S.

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FIRST SCHEDULE.

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AREA OF SUPPLY.

The whole of the borough of Hastings, as the same is constituted at the commencement of this Order.

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SECOND SCHEDULE.

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List of Streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(A) Streets :—None.

(B) Railways :—None.

(C) Tramways :—None.

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NORTHAMPTON ELECTRIC LIGHTING.

A.D. 1890.

*Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Northampton Electric Light and Power Company, Limited, in respect of the borough of Northampton and adjoining districts.*

*Preliminary.*

1. This Order may be cited as the "Northampton Electric Lighting Order, 1890." Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order 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 Order the same respective meanings, provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied :

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

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

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

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*Northampton.*

The expression "consumer's terminals" shall mean the ends of the electric line 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, shall have 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 such line is, whether through induction or otherwise, in any manner affected.

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

The expression "tramway" shall mean any tramway laid along any street.

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof.

The expression "local authority" shall mean with respect to each part of the area of supply the local authority for that part.

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively :

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers, together with this Order, and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 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 11 feet, with such detail plan and sections as may be necessary.

Commence-  
ment of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order."

*Address and Description of the Undertakers.*

Address and  
description of  
Undertakers.

4. The Undertakers for the purpose of this Order are the "Northampton Electric Light and Power Company, Limited," being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 2, St. Giles's Square, Northampton.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall, from the date of such purchase, be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of, or associate themselves with, any other company or person supplying energy



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under any license, Provisional Order, or special Act, unless the Undertakers are authorised by Parliament to do so. A.D. 1890.

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

Northampton.

*Area of Supply.*

5. Subject to the provisions of this Order the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red. Area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this 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 license granted by the Board of Trade. Prohibition of supply beyond area of supply.

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

*Security and Accounts.*

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, 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 this Order throughout the area of supply. Security for execution of works.

The Undertakers shall also, within six months after the commencement of this Order, or 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 a sum of one thousand pounds.

If within any such period as aforesaid the Undertakers fail to show to the satisfaction of the Board of Trade 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 this Order as to the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

The said sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them from time to time 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

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A.D. 1890. been duly laid down in accordance with the provisions of this Order in every  
*Northampton.* street, or part of a street, specified in that behalf in the Second Schedule,  
or at such earlier dates and by such instalments as may from time to time be  
approved by the Board of Trade.

Separate  
accounts to  
be kept of  
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be previously given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of  
Undertakers'  
accounts.

9. The annual statement of accounts of the undertaking, before being published as provided by section nine of the Electric Lighting Act, 1882, shall so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall from time to time appoint, and the remuneration of the auditor shall be such as the Board of Trade shall from time to time direct, and the same and all expenses incurred by him in or about the execution of his duties, to such an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

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

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

*Nature and Mode of Supply.*

Systems and  
mode of  
supply.

10. Subject to the provisions of this 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:—

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade, and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may from time to time impose; and
- (2.) 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 any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval; and
- (3.) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects, with due



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regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their undertaking, to prevent injurious affection whether by induction or otherwise to such electric circuits, or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works, or worked their undertaking, in contravention of this sub-section, such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

*Works.*

11. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such 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.

Nothing in this 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 are specified in the said schedule, without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Trade under section 13 of the Electric Lighting Act, 1882, and where the Board of Trade give such consent, the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may also from time to time construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including if necessary apparatus for the proper ventilation of such boxes: Provided that no such box shall be placed above ground, except with the consent of the local authority, body or person by whom such street is repairable.

Street boxes.

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 may otherwise order,



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A.D. 1890. and shall be used by the Undertakers only for the purpose of leading off  
*Northampton.* 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.

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.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such 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 to a penalty not exceeding five pounds for every such offence, and in the case of a continuing offence to a further penalty of five pounds for every day during which such offence continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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.

Prohibition  
of overhead  
wires.

13. The Undertakers shall not, without the express consent of the local authority, place any electric line above ground, along, over, or across any street or public place, or (except in the case of any electric line so placed before the commencement of this Order and during the time limited by this section for the removal thereof) supply energy by means of any electric line so placed.

Where any electric lines of the Undertakers have been placed above ground as aforesaid before the commencement of this Order, they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such offence continues, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

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

14. 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 such works (not being the repairs, renewals, or amendments of existing works of which the



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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 such works are intended to be executed, and the manner in which it is intended that such 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 from time to time give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

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- (b.) The Postmaster-General or the local authority may, in his or their discretion, approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same, and may give notice of such 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 of 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 such appeal, and approve any such works or plan subject to such amendments or conditions as may seem fit, or may disapprove the same.
- (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 such works and plan.
- (e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same 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 such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be of opinion that the case was



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

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

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

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

- (a.) One month before commencing the execution of any such works (not being the 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 this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such 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 such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may 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, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 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 such 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 compen-



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sation 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 from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this 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 settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

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- (f.) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works.
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless 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 such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

16. The local authority, and 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 may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time 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, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of the local authority, or other body or person, as the case may be, and may from time to time amend or

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

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A.D. 1890. Northampton. revoke any such notice by another notice similarly served. Where the local authority, or any such body or person as aforesaid (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 such notice remains in force the following provisions shall have effect, unless 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 such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this 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 such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.
- (c.) Upon receipt of any such requisition as last aforesaid, the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (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 such 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 to at once 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 such 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 to a penalty not exceeding ten pounds for every such offence, 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 having cognizance of the case shall be of



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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. A.D. 1890.  
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(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 before a court of summary jurisdiction.

(h.) The givers of the notice may from time to time, if they think fit, require 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 Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction, they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this or the last preceding 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 this 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 these sections respectively mentioned.

17. The Undertakers may from time to time alter the position of any pipes (not 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 this 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 such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested:— As to alteration of pipes, wires, &c., under streets.

(a.) One month before commencing any such alteration, the Undertakers, or such 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 such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alteration, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time 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, such owners may, if they think fit, serve a requisition upon

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the operators requiring that any question in relation to such 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 such question, unless settled by agreement, shall be settled 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 such 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 such pipes, wires, electric lines, or works are used so far as may be 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 such 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 this 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 settled 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 such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such 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 less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (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 such notification, the operators may themselves proceed to execute



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such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them. A.D. 1890.

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(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 such operators, and may be recovered summarily before a court of summary jurisdiction.

(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 said 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 this 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 such alterations until such 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 this 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case shall be 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. 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 such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such 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 such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury

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

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every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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 such 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.

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

If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions 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, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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 under the principal Act, but not under this Order.

For protection  
of railway  
and canal  
companies.

19. In the exercise of any of the powers of this 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. Seven days before commencing to lay down any electric line, or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any



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wires or lines 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 body or person for the time being entitled to such wires or lines, notice in writing specifying the course, nature, and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

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

*Compulsory Works.*

21.—(1.) The Undertakers shall, within a period of two years after the commencement of this 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 Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

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 this Order

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



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A.D. 1890. has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.  
*Northampton.*

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade, under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such 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. 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, the Undertakers shall 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 such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this 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 such particular consumer.

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

23. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged, they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire, may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may 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 this Order.

Manner in  
which requisition is to be  
made.

24. 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 such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

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



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

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25. 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 such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such 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 shall be specified by the Undertakers in such notice: Provided that in such 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 such distributing mains with the nearest available source of supply.

Provisions on  
requisition by  
owners or  
occupiers.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively 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 such persons under such 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.

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, who, after such inquiry, if any, as they shall 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 per-centage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.



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A.D. 1890. In the case of any such appeal to the Board of Trade, any notice by the  
Undertakers under this section may be served by them within fourteen  
*Northampton.* days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice, agreement or security, such 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 such 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. 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 this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, 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 may be entitled to be supplied under this 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 such owner or in the possession of such 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 such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such 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 such notice) upon which such supply is required to commence; and,

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of



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energy for a period of at least two years of such an amount that the payment to be made for the same, 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 pounds 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 such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such 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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Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such 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 such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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 unduly or improperly interfere 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 such premises so long as such user continues.

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.

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, such difference shall be determined by arbitration.

28. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time 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 such consumer, or any fittings or

Maximum  
power.

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(No. 10) Act, 1890.

A.D. 1890. apparatus of the Undertakers upon such premises, consequent upon such  
Northampton. alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

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, such difference shall be determined by arbitration.

Supply of  
energy to  
public lamps.

29. The Undertakers, 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 this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Penalty for  
failure to  
supply energy.

30. 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 this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such 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.*

Method of  
charging.

31. 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,



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(2.) By the electrical quantity contained in such supply; or,

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(3.) By such other method as may for the time being be approved by the Board of Trade.

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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 such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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

32. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second section thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Maximum  
prices.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 said schedule 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 said schedule: 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 the same were last altered.

33. Subject to the provisions of this 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 such charges are to be ascertained, and may charge accordingly.

Other charges  
by agreement.

34. The price to be charged by the Undertakers, and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained shall be settled by agreement between the local

Price to  
public lamps.



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A.D. 1890. authority and the Undertakers, and, in case of difference, by arbitration,  
*Northampton.* 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.

*Electric Inspectors.*

Appointment  
of electric  
inspectors.

35. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows:—

- (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 this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may from time to time 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 such 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.

Remunera-  
tion of electric  
inspectors.

36. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may from time to time determine, and such 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 this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine.

Inquiry by  
Board of  
Trade.

37. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons 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, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such provisions affect the safety of the public, have been complied with by the



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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 this Order.

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*Testing and Inspection.*

38. 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 such 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 may think expedient, but, except under the provisions of a special order in that behalf made 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 such inspector for the purpose of any such testing as aforesaid. Provided also that such 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 a special order in that behalf made by the Board of Trade.

Testing of  
mains.

39. An electric inspector, if and when required to do so by any consumer, shall from time to time, 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 this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of  
works and  
supply on  
consumer's  
premises.

40. 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, or, where the local authority are the Undertakers, as the Board of Trade shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

Undertakers to  
establish  
testing stations.

If any dispute arises between the local authority and the Undertakers as to whether the number of such 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 such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

41. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper

Undertakers to  
keep instru-  
ments on their  
premises.

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instruments of such pattern and construction as may be from time to time approved of or prescribed by the Board of Trade, and shall from time to time take and record, and keep recorded, such observations as the Board of Trade may from time to time prescribe, and any observations so recorded shall be receivable in evidence.

Readings of  
 instruments to  
 be taken.

42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises, and any electric inspector appointed under this Order may from time to time examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Electric  
 inspector may  
 test Under-  
 takers'  
 instruments.

43. Any electric inspector appointed under this 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 the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representa-  
 tion of Under-  
 takers'  
 testings.

44. 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 such officer or agent shall not interfere with the testing or inspection.

Undertakers to  
 give facilities  
 for testing.

45. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this 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.

46. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence.

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

Expenses of  
 electric in-  
 spector.

47. Save as otherwise provided by this Order, or by any regulations under this Order, 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.



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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, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

*Meters.*

48. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be used except by agreement.

49. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this 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 of by the Board of Trade; and every such meter is in this Order 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, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Meter to be certified.

50. Every 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 the same as a certified meter if he considers it entitled to be so certified.

Inspector to certify meters.

51. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such 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 such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such

Undertakers to supply meters if required to do so.

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A.D. 1890. meter) may require him to enter into an agreement for the hire of such meter  
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Meters not to  
be connected  
or disconnected  
without notice.

52. No consumer shall connect any meter used or to be used under this 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 so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to  
keep his meter  
in proper  
order.

53. 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 such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

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 such meter to be again duly certified where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

Power to the  
Undertakers to  
let meter.

54. 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 such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings, as may be agreed upon between the hirer and the Undertakers, or in case of difference, decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to  
keep meter let  
for hire in  
repair.

55. The Undertakers shall, unless the agreement of 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 such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such 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 such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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

56. 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 such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric



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inspector or, where the local authority are the consumers, by an inspector to be appointed by the Board of Trade, who shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such 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.

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57. 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 such main, the Undertakers shall pay to such 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 such new method of charging, and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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

58. 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 from time to time 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 such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such 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.

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

*Maps.*

59. The Undertakers shall forthwith, after commencing to supply energy under this 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 such 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. Such map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so 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 such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid

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A.D. 1890, such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

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The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him a copy of any such map or section, and from time to time cause such 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.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

*Special Provisions in case of Transfer.*

Application of  
moneys  
received by  
the local  
authority as  
Undertakers.

60. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:—

All moneys from time to time 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 this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order, shall be applied by them as follows:—

- (1.) 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.
- (2.) 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.
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.
- (4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.
- (5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, 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 the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable from time to time 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



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restored to the prescribed limit and so from time to time as often as such reduction happens. A.D. 1890.

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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 such 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 the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year shall be charged upon and payable out of the local rate.

All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys, not of the nature of rent, received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking, shall be applied by them as follows:—

- (1.) In the reduction of the capital moneys borrowed by them for electricity purposes.
- (2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

61. If the local authority become the Undertakers for the purposes of this Order the following provision shall have effect:— Purchase and use of lands.

Subject to the provisions of this Order and the principal Act the Undertakers may from time to time acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands which may for the time being be vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may from time to time dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this 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.

Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artizans, 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

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Incorporation  
of sections 264  
and 265 of  
Public Health  
Act, 1875.

62. If the local authority become the Undertakers for the purposes of this Order, the provisions of Sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

*Notices, &c.*

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

63. Notices, orders, and other documents under this 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.

Service of  
notices, &c.

64. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person, and being left at or transmitted through the post to the following addresses respectively:—

- (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 such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
- (f.) 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 such person.

Where any notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A notice, order, or document by this Order 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.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the



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provisions of this 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 such 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.

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*Revocation of Order.*

65. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any further representations of the local authority, revoke this 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 Undertakers are insolvent.

66. If at any time after the commencement of this Order the Undertakers 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 such representation, and if upon such inquiry they are satisfied of the truth of such representation, they may, if in their discretion they think fit, revoke this 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 of Order where undertaking cannot be carried on with profit.

67. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and concurrence of the Undertakers and the local authority upon such terms as the Board of Trade may think just.

Revocation of Order with consent.

68. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect :—

Provisions where Order revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order 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 such 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

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materials, and plant of the Undertakers suitable to and used by them for the purposes of the undertaking or such part thereof as aforesaid, such 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 this 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 such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.
- (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 may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such 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 such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

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), 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 such 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 by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or



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person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof, and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such 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 an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

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*General.*

69. If at any time it is represented to 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; 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 in writing, make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Remedying  
of system and  
works. †

Provided that in any case appearing to them to affect the public safety, or any telegraphic line of the Postmaster-General, the Board of Trade may 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 such user continues.

Provided also that if the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any such order in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

70. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have

Publication  
of regulations.

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come into force, be printed at the expense of the Undertakers, and true copies thereof certified by or on behalf of the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

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 this Order to be given to or by the Undertakers, such 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, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said 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 such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

**Proceedings  
of Board of  
Trade.**

72. All things required or authorised under this 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.

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 such Orders without further proof, unless the contrary is shown.

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 act so certified.

**Costs of  
applications  
for approval  
or consent  
of Board of  
Trade.**

73. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may from time to time, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

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

74. Where the Board of Trade, 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 where the Board of Trade, upon



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the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

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75. Where 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 such 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.

76. All penalties under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before a court of summary jurisdiction.

Recovery and application of penalties.

Any such penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

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

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 such accidents, damages, and injuries.

Undertakers to be responsible for all damages.

78. Nothing in this Order shall prevent the Undertakers 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 this 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 such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

As to mortgages.

79. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General

Saving clause for Postmaster-General.

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Undertakers  
not exempted  
from pro-  
ceedings for  
nuisance.

Provision as  
to general  
Acts.

Cessation of  
powers under  
Northampton  
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shall be construed to be in addition to and not in modification of the provisions of those Acts

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

81. Nothing in this 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 commencement of this Order.

82. From and after the commencement of this Order, all powers, duties, and liabilities of the Undertakers under and by virtue of the Northampton Electric Lighting License, 1890, shall cease, and in lieu thereof the powers, duties, and liabilities of the Undertakers shall be those prescribed by this Order. Provided always that nothing herein contained shall affect anything done or suffered prior to such date under the said license, or any right or liability of the Undertakers or any other person arising out of anything so done or suffered as aforesaid.

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SCHEDULES.

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FIRST SCHEDULE.

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AREA OF SUPPLY.

The whole of the municipal borough of Northampton as constituted at the commencement of this Order, and such parts of the rural sanitary districts of the Northampton Union and the Hardingstone Union as are comprised within an imaginary line, commencing at a point near the Court House, Kingsthorpe, where the Northampton and Welford Road is joined by a public footpath, thence in a straight line eastward to the Old Five Bells Inn, at the junction of the roads to Market Harborough and Moulton Park, thence in a straight line south-eastward to a point in Kingsley Road, where it is intersected by the brook forming the boundary of the said parliamentary borough, thence along the said brook, first north-easterly, then south-easterly, to the Northampton and Kettering Road (to a point numbered 280 on the deposited map), thence in a straight line south-easterly to the principal gates of Abingdon Park (305 on map), thence in a direction a little east of south, along the carriage road through the said park and the grounds of Abingdon Rectory to the



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Northampton and Billing Road, thence in a straight line southerly to St. Peter's Bridge, thence along and including the public road first nearly south, then westerly, and again nearly south, to the road leading from Hardingstone to Great Houghton, along and including the last-mentioned road in a direction generally westerly through and including the southern street of Hardingstone Village, and continuing along and including the public road as far as the Northampton and Stony Stratford Road, thence southerly for about 8 chains; thence westerly along and including the road towards Danes' Camp, and from Danes' Camp in a straight line to Duston, Upper Mill, thence along and including the public road in a north-westerly direction through the village of Duston, thence along and including the public road, first east, then north-east, and so on through and including the road through Dallington Park and the village of Dallington, thence in a north-easterly direction along and including the carriage-road until it intersects the London and North-Western Railway, and thence along the course of that railway until it is intersected by the northern tributary of the River Nene, and from that point in a straight line north-easterly to the point of commencement.

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Northampton.

Provided as respects the said unions that in case of difference between the above description and the area delineated upon the deposited map, the latter shall prevail.

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SECOND SCHEDULE.

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List of Streets and Parts of Streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order:—

Angel Street (otherwise Angel Lane).  
Bridge Street, from its junction with Angel Street to its Northern extremity.  
Guildhall Road, from its junction with Angel Street to its northern extremity.  
George Row.  
St. Giles' Square.  
Mercers' Row.  
Drapery.  
Parade.

Newland, from its southern extremity to its junction with Prince's Street.  
Prince's Street, from Newland to its junction with Greyfriars' Street.  
Gold Street, from its eastern extremity to its junction with Kingswell Street.  
Abingdon Street, from its western extremity to its junction with Wood Street.

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THIRD SCHEDULE.

List of Streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order:—

(a.) Streets—

Agnes Road.	Melville Street.
Albert Place.	Militia Stores.
Alfred Gardens.	Perry Street.
Alfred Place.	Priory Terrace.
Althorpe Street.	Riding.
Castle Grounds.	St. Edmund's Square.
Chapel Place.	St. James's Square.
Kettering Gardens.	St. James's Place.
Palace Yard.	St. Paul's Road.
Elizabeth Street.	St. Paul's Terrace.
St. George's Square.	Smith's Row.
Horsemarket Gardens.	Stimson Street.
Inkerman Terrace.	Spring Garden Terrace
Jeffrey's Gardens.	Spring Lane Terrace.
Johnson's Buildings.	Turner Street.
Johnson's Row.	Waterloo Terrace or Bedford Place.
Kingswell Terrace.	Watkin Place.
Mellowes's Row.	Windsor Terrace.

(b.) Railways—

None.

(c.) Tramways—

The Northampton Street Tramways.

FOURTH SCHEDULE.

In this schedule—

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

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, twenty shillings; and for each unit over twenty units, one shilling.



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Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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WINDSOR ELECTRIC LIGHTING.

*Windsor.*

*Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, to the Windsor and Eton Electric Light Company, Limited, in respect of New Windsor and Eton.*

*Preliminary.*

Short title.

1. This Order may be cited as the Windsor Electric Supply Order, 1890.

Interpretation.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, 1882 and 1888, and of any other Acts or parts of Acts incorporated therewith, which said Acts and parts of Acts are in this Order 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 Order the same respective meanings, provided that in this Order —

The expression "energy" shall mean electrical energy, and for the purposes of applying the provisions of the principal Act to this 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" shall mean electrical power or the rate per unit of time at which energy is supplied :

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

The expression "area of supply" shall mean the area within which the Undertakers are, for the time being, authorised to supply energy under the provisions of this Order :

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



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The expression "consumer's terminals" shall mean 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: A.D. 1890.  
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The expression "telegraphic line," when used with respect to any telegraphic line of the Postmaster-General, shall have 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 such line is, whether through induction or otherwise, in any manner affected:

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

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expression "local authority" shall mean, with respect to each part of the area of supply, the local authority for that part:

The expressions "First Schedule," "Second Schedule," "Third Schedule," and "Fourth Schedule," shall mean the First, Second, Third, and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers, together with this Order, and signed by an assistant secretary to the Board of Trade.

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 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 11 feet, with such detail plan and sections as may be necessary.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed, which date is in this Order referred to as "the commencement of this Order." Commence-  
ment of Order.

*Address and Description of the Undertakers.*

4. The Undertakers for the purpose of this Order are the Windsor and Eton Electric Light Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at Acre House, in the parish of New Windsor. Address and  
Description of  
Undertakers.

Provided that if the undertaking or any part thereof is at any time purchased by the local authority in accordance with the provisions of this Order, or of the principal Act, such local authority shall from the date of such purchase be the Undertakers in relation to such undertaking or part thereof for the purposes of this Order in lieu of the Company above mentioned.

The Undertakers shall not purchase or acquire the undertaking of or associate themselves with any other company or persons supplying energy



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A.D. 1890. under any license, Provisional Order, or special Act unless the Undertakers  
are authorised by Parliament to do so.

Windsor.

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

*Area of Supply.*

Area of  
supply.

5. Subject to the provisions of this Order, the area of supply shall be the whole of the area included in the First Schedule, which said area is more particularly delineated upon the deposited map, and thereon coloured red.

Prohibition of  
supply beyond  
area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this 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 license granted by the Board of Trade.

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

*Security and Accounts.*

Security for  
execution of  
works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, 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 this Order throughout the area of supply.

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

Separate  
accounts to  
be kept of  
undertaking.

8. The Undertakers shall, except with the special approval of the Board of Trade, to be provisionally given (after consideration of any representations which the local authority may make), at all times keep accounts of the capital employed for the purposes of the undertaking distinct from the accounts kept by them in respect of any other undertaking or business.

Audit of  
Undertakers'  
accounts.

9. The annual statement of accounts of the undertaking, before being published, as provided by section nine of the Electric Lighting Act, 1882, shall, so long as the local authority are not the Undertakers, be examined and audited by such competent and impartial person as the Board of Trade shall from time to time appoint, and the remuneration of the auditor shall be such as the Board of Trade shall from time to time direct, and the same and all expenses incurred by him in or about the execution of his duties, to such



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an amount as the Board of Trade shall approve, shall be paid by the Undertakers on demand, and shall be recoverable summarily as a civil debt.

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*Windsor.*

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

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

*Nature and Mode of Supply.*

10. Subject to the provisions of this 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:—

Systems and  
mode of  
supply.

- (1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public, and for insuring a proper and sufficient supply of energy as the Board of Trade may from time to time impose; and
- (2.) 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 any such regulations or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of such approval; and
- (3.) The Undertakers shall construct their mains and other works of all descriptions and shall work their undertaking in all respects, with due regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to such electric circuits, or the currents in such circuits. If any question arises as to whether the Undertakers have constructed their mains or other works, or worked their undertaking in contravention of this sub-section, such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

Provided that nothing in this sub-section contained shall be held to deprive the owners of such electric circuits of any existing rights to proceed against the Undertakers by indictment, action, or otherwise in relation to any of the matters aforesaid.

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*Works.*

*Windsor.*  
Powers for  
execution  
of works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such 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.

Nothing in this 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 are specified in the said schedule, without the consent of the authority, company, or person by whom such 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 such consent the provisions of this Order shall apply to the street, railway, or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

12. Subject to the provisions of this Order and the principal Act, and any regulations made under this Order, the Undertakers may also from time to time 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 such boxes: Provided that no such box shall be placed above ground, except with the consent of the local authority, body, or person by whom such street is repairable.

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 may 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.

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.

The local authority may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such 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 to a



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penalty not exceeding five pounds for every such offence, and to a daily penalty of five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be 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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13. The Undertakers shall not, without the express consent of the local authority, place any electric line above ground, along, over, or across any street or public place, or (except in the case of any electric line so placed before the commencement of this Order and during the time limited by this section for the removal thereof) supply energy by means of any electric line so placed.

Prohibition of  
overhead wires.

Where any electric lines of the Undertakers have been placed above ground as aforesaid before the commencement of this Order, they shall be removed by the Undertakers within a period of one year after such commencement.

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

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

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

(a.) One month before commencing the execution of such works (not being the 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 such works are intended to be executed, and the manner in which it is intended that such 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 from time to time give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

(b.) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same and may give notice of such 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

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which the Undertakers are dissatisfied, or disapprove of 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 such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

(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 such works and plan.

(e.) Notwithstanding anything in this Order or the principal Act, the Undertakers shall not be entitled to execute any such works as above specified, except so far as the same 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 such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Order and of 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

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

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

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

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



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addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such 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 such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may 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, such owners may, if they think fit, serve a requisition upon the Undertakers requiring that any question in relation to such works, or to compensation in respect thereof, and any other question arising upon such notice or plan as aforesaid, shall be settled by arbitration; and thereupon such question, unless settled by agreement, shall be settled 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 such 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 from time to time repair, renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this 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 settled 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, who shall have the right to be present during the execution of such works.
- (g.) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway, level crossing, or any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to

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the owners not less than 24 hours' notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this 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 this 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 to a penalty not exceeding ten pounds for every such default, 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 having cognizance of the case shall be 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.

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

16. The local authority, and 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 may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time 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, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of the local authority, or other body or person, as the case may be, and may from time to time amend or revoke any such notice by another notice similarly served. Where the local authority, or any such body or person as aforesaid (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 such notice remains in force the following provisions shall have effect, unless 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 such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition, as herein-after provided, or in cases of emergency.
- (b.) In addition to any other notices which they may be required to give under the provisions of this 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



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the notice stating the time when such 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.

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- (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 as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.
- (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 such 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 to at once 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 such 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 to a penalty not exceeding ten pounds for every such offence, 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 having cognizance of the case shall be 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 before a court of summary jurisdiction.
- (h.) The givers of the notice may from time to time, if they think fit, require 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 Order. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after such difference has been determined by a court of summary jurisdiction they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

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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 this 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 from time to time alter the position of any pipes (not 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 this 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 such body or person in relation to such street or place, subject to the following provisions, unless otherwise agreed between the parties interested :—

- (a.) One month before commencing any such alteration the Undertakers, or such 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 such pipes, wires, electric lines, or works (as the case may be), in this section referred to as “the owners” describing the proposed alteration, together with a plan showing the manner in which it is intended such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time 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, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such 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 such question, unless settled by agreement, shall be settled 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 such 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 such pipes, wires, electric lines, or works are used so far as may be 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 such 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



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to be made, but subject in all respects to the provisions of this 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 settled 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 such alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute such alterations, except where they have notified to such owners that they require them to execute such alterations, and such owners have refused or neglected to comply with such 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 less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations, so far as the same may be applicable.
- (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 such notification, the operators may themselves proceed to execute such 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 notifications of any operators under this section shall be repaid to them by such operators, and may be recovered summarily before a court of summary jurisdiction.
- (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 said 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 this 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 such alterations until such 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 this Order or the principal Act) make full compensation to the owners

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affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case shall be 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.

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

18. 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 such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to such 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 such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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 such 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.



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If the operators make default in complying with any of the requirements or restrictions 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 to a penalty not exceeding ten pounds for every such default; and to a daily penalty not exceeding five pounds; provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements and restrictions 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, pipe, electric line, or work affected thereby, and that such ignorance was not owing to any negligence on the part of the operators.

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 under the principal Act, but not under this Order.

19. In the exercise of any of the powers of this 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 railway and canal companies.

20. Seven days before commencing to lay down any electric line, or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines 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 body or person for the time being entitled to such wires or lines, notice in writing specifying the course, nature, and gauge of such electric lines, and the amount and nature of the currents intended to be sent along the same, and the extent to and manner in which (if at all) earth returns are proposed to be used; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid. For protection of telegraphic and telephonic wires.

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

Provided that nothing in this section shall apply to repairs or renewals of any electric line so long as the course, nature, and gauge of such electric line

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and the amount and nature of the current sent along the same are not altered.

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

*Compulsory Works.*

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

21.—(1.) The Undertakers shall, within a period of two years after the commencement of this 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 Second Schedule, and shall thereafter maintain the same.

(2.) In addition to the mains herein-before specified the Undertakers shall, at any time after the expiration of eighteen months after the commencement of this Order, lay down suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply, upon being required to do so in manner by this Order provided.

All such mains as aforesaid 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 this Order has become binding upon them, or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority, which is not mentioned in the Third Schedule, the Undertakers shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof), forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act, 1882, for the written consent of the Board, authorising and empowering the Undertakers to break up such 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. 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, the Undertakers shall serve upon the local authority, and upon the owner or occupier of all premises



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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 such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this 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 such particular consumer.

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23. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues, and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may, after considering any representations of the local authority, revoke this Order as to the whole or, with the consent of the Undertakers, any part of the area of supply, or, if the Undertakers so desire may, after having given an opportunity to the local authority to make representations and objections with reference thereto, suffer the same to remain in force as to such area or part thereof, subject to such conditions as they may 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 this Order.

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

24. 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 such street or part of a street, or, where the local authority has the control and management of the public lamps in such street or part of a street, by the local authority.

Manner in which requisition is to be made.

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

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

25. 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 such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time

Provisions on requisition by owners or occupiers.



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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 shall be specified by the Undertakers in such notice: Provided that in such 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 such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected, or in case of difference the delivery of the arbitrator's award, there be tendered to the Undertakers an agreement severally executed by such persons, or some of them, binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively 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 such persons under such 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.

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, who, after such inquiry, if any, as they shall 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 per-centage, whether calculated as herein-before provided or otherwise, as shall be fixed or directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly. In the case of any such appeal to the Board of Trade, any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice, agreement or security such 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 such service is effected, or within fourteen days thereafter there be tendered to the



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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.

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*Supply.*

27. 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 this Order, or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, 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 may be entitled to be supplied under this Order, subject to the conditions following (that is to say):—

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

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 such owner or in the possession of such 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 such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such 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 such notice) upon which such supply is required to commence; and

Enter into a written contract with the Undertakers (if required by them so to do) 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 same, 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 pounds 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 such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of



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any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always that the Undertakers may, after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such 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 such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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 unduly or improperly interfere 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 such premises so long as such user continues.

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.

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, such difference shall be determined by arbitration.

Maximum  
power.

28. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may from time to time 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 such consumer, or any fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt.

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, such difference shall be determined by arbitration.

Supply of  
energy to  
public lamps.

29. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the



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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 this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

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30. 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 this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day on which any such default occurs.

Penalty for failure to supply.

Whenever the Undertakers make default in supplying energy to the public lamps to which they may be and are required to supply energy under this Order, they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each such lamp, and for each day on which any such default occurs.

Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to such penalties as may by such regulations and conditions be prescribed in that behalf.

Provided that the penalties to be inflicted on the Undertakers under this section shall in no case exceed in the aggregate the sum of fifty pounds in respect of any defaults not being wilful defaults on the part of the Undertakers for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court having cognizance of the case shall be of opinion that such 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.*

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

Methods of charging.

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

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 such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

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

Maximum  
prices.

32. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively, or in the case of a method of charge approved by the Board of Trade, such price as the Board of Trade shall on approving such method determine.

Provided that if the local authority or the Undertakers shall, at any time after the expiration of seven years after the commencement of this Order, make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 said schedule 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 said schedule: 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 the same were last altered.

Other charges  
by agreement.

33. Subject to the provisions of this Order and of the principal Act, and to the right of the customer 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 such charges are to be ascertained, and may charge accordingly.

Price to public  
lamps.

34. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, and the mode in which such charges shall be ascertained, shall be settled by agreement between the local authority and the Undertakers, and, in case of difference, 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.

*Electric Inspectors.*

Appointment  
of electric  
inspectors.

35. The local authority, so long as they are not themselves the Undertakers for the purposes of this Order, may from time to time appoint, and keep



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appointed, one or more competent and impartial person or persons to be electric inspectors under this Order. A.D. 1890.

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If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any consumer, or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows :—

- (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 this Order or of any regulations under this Order.

The local authority, with the approval of the Board of Trade, or the Board of Trade, if the inspector is appointed by them, may from time to time, 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 such 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.

36. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may from time to time determine, and such 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 this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall so determine. Remuneration of electric inspectors.

37. The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person or persons 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, or as to the manner and extent in and to which the provisions of this Order and the principal Act, and of any regulations under this Order, so far as such 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 this Order. Inquiry by Board of Trade.

*Testing and Inspection.*

38. 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 such testing shall be carried out at such suitable hours as, in Testing of mains.

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the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made 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 such inspector for the purpose of any such testing as aforesaid. Provided also that such 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 a special order in that behalf made by the Board of Trade.

Testing of  
works and  
supply on  
consumer's  
premises.

39. An electric inspector, if and when required to do so by any consumer, shall from time to time, 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 this Order, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers  
to establish  
testing  
stations.

40. 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, or where the local authority are the Undertakers, as the Board of Trade shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

If any dispute arises between the local authority and the Undertakers as to whether the number of such 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 such testing, or as to the performance by the Undertakers of their duties under this section, such dispute shall be determined by arbitration.

Undertakers  
to keep instru-  
ments on their  
premises.

41. 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 from time to time approved of or prescribed by the Board of Trade, and shall from time to time take and record, and keep recorded, such observations as the Board of Trade may from time to time prescribe, and any observations so recorded shall be receivable in evidence.

Readings of  
instruments to  
be taken.

42. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any testing station or on their own premises and any electric inspector



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appointed under this Order may from time to time examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

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43. Any electric inspector appointed under this 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 the same are in order, and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Electric inspector may test Undertakers' instruments.

44. 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 such officer or agent shall not interfere with the testing or inspection.

Representation of Undertakers at testings.

45. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this 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.

Undertakers to give facilities for testing.

46. Every electric inspector shall, on the day immediately following that on which any testing has been completed by him under this Order, make and deliver a report of the results of his testing to the local authority, Board of Trade, or consumer (as the case may be), by whom he was required to make such testing, and to the Undertakers, and such report shall be receivable in evidence.

Report of results of testing.

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

47. Save as otherwise provided by this Order, or by any regulations under this Order, 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.

Expenses of electric inspector.

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, such fees and expenses shall, on being ascertained as above mentioned, be paid by such consumer or consumers as the court or Board, having regard to such report or decision, shall direct, and may be recovered summarily as a civil debt.

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Provided also, that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court shall direct.

*Meters.*

Meters to be used, except by agreement.

48. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge), in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

49. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electrical inspector appointed under this 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 of by the Board of Trade; and every such meter is in this Order 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, such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

50. Every 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 the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

51. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter, the Undertakers shall, if required so to do by any consumer, supply him with an appropriate meter, and shall, if required so to do, fix the same upon the premises of the consumer and connect the service lines therewith, and procure such meter to be duly certified under the provisions of this Order, and for such purposes may authorise and empower any officer or person to enter upon such 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 such consumer to pay to them a reasonable sum in respect of the price of such meter, or to give security therefor, or (if he desires to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to be connected or disconnected without notice.

52. No consumer shall connect any meter used or to be used under this 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 so to do, and if any



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person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings. A.D. 1890.

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53. 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 such value, and in default of his so doing the Undertakers may cease to supply energy through such meter. Consumer to keep his meter in proper order.

The Undertaker 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 such meter to be again duly certified, where such re-certifying is thereby rendered necessary, shall, if the meter be found to be not in proper order, be paid by the consumer, but if the same be in proper order, all expenses connected therewith shall be paid by the Undertakers.

54. 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 such meter and fittings, and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt. Power to the Undertakers to let meter.

55. The Undertakers shall, unless the agreement of 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 such value, and, in default of their so doing, the consumer shall not be liable to pay rent for the same during such time as such 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 such re-certifying is thereby rendered necessary, shall be paid by the Undertakers. Undertakers to keep meter let for hire in repair.

56. 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 such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference 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, who shall also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such 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. Differences as to correctness of meter to be settled by inspector.

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

57. 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 such main, the Undertakers shall pay to such 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 such new method of charging, and such 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  
thereof.

58. 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 from time to time 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 such consumer, or the number of hours during which such supply is given, or the maximum power taken by such consumer, or any other quantity or time connected with the supply: Provided that such 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 and  
deposited.

59. The Undertakers shall forthwith, after commencing to supply energy under this 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 such 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 shall prescribe.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so 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 such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map, section, or copy, and such further fee not exceeding five shillings for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

The Undertakers shall, if so required by the Board of Trade or the Postmaster-General, supply to them or him, a copy of any such map or section, and from time to time cause such copy to be duly corrected so as to



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agree with the original or originals thereof, as kept for the time being at the office of the Undertakers. A.D. 1890.

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If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

*Purchase by Local Authority.*

60. The local authority may within six months after the expiration of twenty-one, twenty-eight, or thirty-five years respectively from the commencement of this Order by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking, or so much thereof as is within the jurisdiction of the local authority, subject to the provisions of section two of the Electric Lighting Act 1888, but it is hereby provided, in pursuance of an agreement made in that behalf between the local authority and the Undertakers, that in any arbitration under this section such an addition to the value of the lands, buildings, works, materials and plant as the arbitrator shall think fit shall be made in respect of compulsory purchase, and also of goodwill and profits (if any), which may or might have been or be made from the undertaking or any similar considerations, and so much of the said section as provides that the value shall be without such addition as aforesaid shall not apply. Purchase by local authority within 42 years.

If no purchase is effected by the local authority under the provisions of this section, the provisions of section two of the Electric Lighting Act 1888 shall come into operation and have effect after the expiration of forty-two years after the commencement of this Order.

*Special Provisions in case of Transfer.*

61. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect:— Application of moneys received by the local authority as Undertakers.

(A.) All moneys from time to time 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 this Order, and (c) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

- (1.) 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.
- (2.) 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.
- (3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

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(4.) In payment of all other their expenses of executing this Order, not being expenses properly chargeable to capital.

(5.) In providing a reserve fund, if they think fit, by setting aside such money as they may from time to time think reasonable, and investing the same, 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 stocks or securities of the Undertakers, and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking, which fund shall be applicable from time to time 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 from time to time as often as such 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 as their option shall apply such 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 the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

Any deficiency of income in any year shall be charged upon and payable out of the local rate.

(B.) All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order, and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order, and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows :—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Purchase and  
use of lands.

62. If the local authority become the Undertakers for the purposes of this Order the following provisions shall have effect :—

Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them, but



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subject as to such last-mentioned lands to the approval of the Local Government Board, and may from time to time 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 this 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.

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Provided also that the Undertakers shall not, except with the consent of the Local Government Board, take for the purposes of this Order, ten or more houses which after the passing of the Act confirming this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics, artizans, 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 such persons who may be residing with them.

63. If the local authority become the Undertakers for the purposes of this Order, the provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act, 1875, shall be incorporated with this Order; and in the construction of the said provisions "this Act" shall mean this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Incorporation  
of sections 264  
and 265 of  
Public Health  
Act, 1875.

*Notices, &c.*

64. Notices, orders, and other documents under this 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.

65. Any notice, order, or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such 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 such council;
- (d.) In the case of any local authority, the office of such local authority;
- (e.) In the case of the Undertakers or any other company having a registered office, the registered office of the Undertakers or such company;
- (f.) 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 such person.

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Where any notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

A notice, order, or document by this Order 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.

A notice, order, or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same, 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 the notice on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this 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 such 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.

*Revocation of Order.*

Revocation of  
Order where  
Undertakers  
are insolvent.

66. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any further representations of the local authority, revoke this 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.

67. If at any time after the commencement of this Order the Undertakers 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 such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, if in their discretion they think fit, revoke this 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 of  
Order with  
consent.

68. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and



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concurrence of the Undertakers and the local authority, upon such terms as the Board of Trade may think just. A.D. 1890.

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69. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply, under any of the provisions of this Order, the following provisions shall have effect:—

Provisions  
where Order  
revoked.

(a.) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority, and shall in such notice fix a date at which such revocation shall take effect, and from and after such date all the powers and liabilities of the Undertakers under this Order 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 such 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, such 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, free from any debts, mortgages, or similar obligations of the Undertakers or attaching to the undertaking; and the revocation of this 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 such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority by whom such undertaking or part thereof is purchased as aforesaid.

(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 may have been placed, may (subject however to any agreement between the local authority or such body or person and the Undertakers providing for the removal of such works by the Undertakers) forthwith remove such 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 such removal, and of the reinstatement of such street or part of a street as may be specified in a notice to be served on the Undertakers by such local authority or other body or person, or (if so required by the Undertakers, within one week after the service of such notice upon them) as may be settled by arbitration.

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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), 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 such 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 by this Order granted to the Undertakers, or for any expenses to which such local authority, body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, 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.

*General.*

Remedying of  
system and  
works.

70. If at any time it is represented to 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 have permitted any part of their circuits to be connected with earth without such approval as is required by this Order; or (b) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (c) that any works 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 in writing, make such requirements as to them may seem fit in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with such Order within such period as may be herein limited in that behalf, and if the Undertakers make default in complying with the Order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Provided that in any case appearing to them to affect the public safety, or any telegraphic line of the Postmaster-General, the Board of Trade may, 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



[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcvi.]  
(No. 10) Act, 1890.

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 such user continues. A.D. 1890.  
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Provided also that if the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any such order in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

71. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and true copies thereof, certified by or on behalf the Undertakers, shall be kept by them at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy. Publication of  
regulations.

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.

72. Where any security is required under this Order to be given to or by the Undertakers, such 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, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said 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 such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands. Nature and  
amount of  
security.

73. All things required or authorised under this 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

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 such orders without further proof, unless the contrary is shown.

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 act so certified.

74. All costs and expenses of or incident to any application for any approval, consent, or order of the Board of Trade, including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne and paid by the applicant or applicants therefor: Provided always that where any Costs of appli-  
cations for  
approval or  
consent of  
Board of Trade.

**[Ch. cxcvi.] *Electric Lighting Orders Confirmation* [53 & 54 Vict.]  
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approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same, as they may think fit, to be prepared and deposited at their office at the expense of the said applicant or applicants, and may from time to time, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of  
approval of  
Board of Trade,  
&c., to be given  
by advertise-  
ment.

75. Where the Board of Trade, 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 where the Board of Trade, upon the application of the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement one at least in each of two successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of  
application for  
extension of  
time, &c., to be  
given to local  
authority.

76. Where 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 such 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.

Recovery and  
application of  
penalties.

77. All penalties under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before a court of summary jurisdiction.

Any such penalty recovered on prosecution by an officer of the local authority shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

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

Undertakers to  
be responsible  
for all damages.

78. 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 such accidents, damages, and injuries.

As to mort-  
gages.

79. Nothing in this Order shall prevent the Undertakers 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 this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the



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undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

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80. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this 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 clause  
for Postmaster-  
General.

81. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames or the navigation thereof, or affect in any manner the rights, powers, or privileges of the Conservators of the River Thames.

Saving clause  
as to River  
Thames.

82. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Undertakers  
not exempted  
from proceed-  
ings for  
nuisance.

83. Nothing in this 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 commencement of this Order.

Provision as to  
general Acts.

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## SCHEDULES.

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### FIRST SCHEDULE.

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#### AREA OF SUPPLY.

The whole of the district of the New Windsor Urban Sanitary Authority as constituted at the commencement of this Order.

Together with such portion of the district of the Eton Rural Sanitary Authority as is within the parishes of Datchet and Eton.

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### SECOND SCHEDULE.

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List of streets and parts of streets throughout which the Undertakers are to lay distributing mains within a period of two years after the commencement of this Order.

So much of the following streets as lies within the area of supply:—

Thames Street

Victoria Street

High Street

Frances Road

Peascod Street

Datchet Road

Sheet Street

King's Road.

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THIRD SCHEDULE.

List of streets not repairable by the local authority, railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(a.) Streets:—

The approaches to the Great Western Railway, Windsor, the roads and footways within the boundaries of the Lower and Middle Wards and Cloisters of Windsor Castle.

Sydney Place, Great Western Place, Goswell Place, Bridgewater Terrace, Bourne Lane, Montague Road and Green Lanes.

(b.) Railways.—None.

(c.) Tramways.—None.

FOURTH SCHEDULE.

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

SECTION 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence: and for each unit over twenty units, eightpence.

SECTION 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section one of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

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