

[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcviii.]
(No. 12) Act, 1890.



CHAPTER cxcviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Crystal Palace and District and Paddington. 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. 12) 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. CRYSTAL PALACE AND DISTRICT.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Electric Installation and Maintenance Company, Limited.
 2. PADDINGTON.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Metropolitan Electric Supply Company, Limited.
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CRYSTAL PALACE AND DISTRICT ELECTRIC
LIGHTING.

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District.*

*Provisional Order granted by the Board of Trade under the
Electric Lighting Acts, 1882 and 1888, to the Electric
Installation and Maintenance Company, Limited, in respect of
the Crystal Palace District.*

Preliminary.

1. This Order may be cited as "The Crystal Palace and District 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 continuous electric line which may be laid down by the Undertakers in any street, subway, 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 continuous electric line through which energy may be supplied or intended to be supplied by the Undertakers to any particular 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 "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires :

The expression "county council" shall mean the London County Council, and the provisions of this Order, in which the county council is

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expressly mentioned, shall be construed without derogation to the powers, duties, and liabilities of that council as local authority under this Order and the principal Act, but such provisions shall, so far as relates to such council, apply only to the part of the area of supply which is within the administrative county of London :

The expression "water company" shall, for the purposes of this Order, include a company supplying water under pressure as a motive-power :

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 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 of 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 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 section as may be necessary.

Provision as
to local
authority and
county council.

3. Unless the context otherwise requires, the provisions of this Order referring to the local authority shall be construed, with respect to each part of the area of supply, as applying to the local authority for that part only, and to so much of the undertaking as is situate therein; and provisions referring to the county council shall apply to such parts only of the area of supply as are within the administrative county of London, and to so much of the undertaking as is situate therein.

Commence-
ment of Order.

4. 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.

5. The Undertakers for the purpose of this Order are the Electric Installation and Maintenance Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at No. 4, Great Winchester Street, in the city of London.

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

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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 within the administrative county of London or the area of supply, unless the Undertakers are authorised by Parliament to do so.

Area of Supply.

6. 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.

7. 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 under the principal Act.

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.

8. 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 or such sums in respect of the several local authorities' districts wholly or partly comprised in the area of supply, not exceeding in the aggregate one thousand pounds, as the Board of Trade may direct.

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 or sums as aforesaid, the Board of Trade may, after considering any representations which the county council or the local authority may make, revoke this Order as to

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the whole, or, with the consent of the Undertakers, any part of the area of supply, upon such terms as they may think just.

Any 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 in such area or district, 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, and situate in such area or district, 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 under-
taking.

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 county council or 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, and shall so far as possible keep separate accounts of the capital employed by them in respect of each local authority's district wholly or partly comprised in the area of supply.

Audit of
Undertakers'
accounts.

10. The annual statement of accounts of the undertaking before being published as provided by the 9th section of the principal Act shall be examined and audited from time to time 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 a debt due from the Undertakers to the Crown, and shall be recoverable accordingly with costs.

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.

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

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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 ;
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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

(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.

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 to be 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
 works.

13. Subject to the provisions of this Order and the principal Act, the Undertakers may also from time to time construct distributing boxes in any street for the purpose of supplying energy.

Distributing
 boxes.

Provided that no such box shall be placed above ground, except with the consent of the local authority, county council, body or person by whom such street is repairable.

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Every such distributing 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 distributing 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 or (if the street is repairable by them) the county council may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such distributing 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 distributing box without the consent of the local authority or county council, as the case may be, 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.

Generating
stations, &c.

14.—(a.) Every generating station main and distributing main used for the supply of energy within the administrative county of London, and any distributing stations which may be required for the supply of energy within the said county, shall, unless with the consent of the county council, be placed and situate wholly in the said county: Provided that nothing in this section contained shall prevent the Undertakers from supplying the Crystal Palace and the grounds thereof from any portion of the area of supply.

(b.) This section shall not prevent the Undertakers from extending mains used for supply within the said county into that part of the area of supply which is beyond the said county, provided that such extension is used solely for the supply of consumers in the part of the area without the said county.

(c.) Nothing in this section shall prevent the temporary supply of energy in case of emergency from any station or by any main to any part of the area of supply.

Prohibition
of overhead
wires.

15. The Undertakers shall not without the express consent of the county council and the local authority, place any electric line above ground, along, over, or across any street or public place, or supply energy by means of any electric line so placed.

If the Undertakers place any electric lines in contravention of this section, they shall be liable to a penalty not exceeding ten pounds for every such offence, and any court of summary jurisdiction, on complaint made, may make

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

16. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing 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 and the local authority and the county council 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 or county council 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 or the county council 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 or the county council 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 or the county council 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, and the county council, or by the Board of Trade, as above mentioned under this Order ; 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,

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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 and the county council 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 breaking
up streets not
repairable by
local authority,
railways, and
tramways.

17. 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, and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation is proposed to be paid or secured, 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.

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- (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 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 in the manner proposed by them or settled by arbitration as aforesaid, 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. And the word "railway," shall for the purposes of this section, include any tunnel in or about any street or road which the Undertakers are authorised to break up.
- (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 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.

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18. The county council, 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

County council
local authority,
&c., may give
notice of desire
to break up

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A.D. 1890. 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 county council or 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 county council, 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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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 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,

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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.

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(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, who shall have power to determine the amount thereof.

(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 their 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.

19. The Undertakers, may, from time to time, alter the position of any pipes (not forming part of any sewer of the county council or 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

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"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, and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation (if any) is proposed to be paid or secured, 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 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 in the manner proposed by them or settled by arbitration as aforesaid, 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

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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 the last preceding sub-sections shall be repaid to them by such operators, and may be recovered summarily before a court of summary jurisdiction, who shall have power to determine the amount thereof.

(j) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by 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.

20. Whenever 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 county council, or of any local authority, or any main, pipe, syphon, or other work belonging to any gas or water company, or any branch or service pipe for the supply of gas or

*Laying of
 electric lines,
 &c., near those
 of gas or water
 companies, and
 near sewers,
 drains, &c.*

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water 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 county council, or local authority, or to such gas or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen 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, 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.

And 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 such works, and on completion provide a suitable and proper foundation for the same where so undermined.

The owners, upon giving notice to the Undertakers during the fourteen days herein-before referred to of their desire to execute any work to which the provisions of this section apply, may themselves execute the same, and in case they give such notice they shall execute such work with due care and diligence, and shall be subject to the like restrictions and conditions as the operators would themselves be subject to in respect of the same, and the reasonable costs of executing such works shall be repaid by the operators to the owners: Provided always, that the provisions of this paragraph shall not apply so long as any like notice from the county council, the local authority, or other body or person under the provisions of section seventeen of this Order remains in force.

Provided always, that when the Undertakers or any gas company desire to lay a service pipe or line to a house or premises already connected by a service pipe or line with the works of the gas company or the Undertakers, as the case may be, forty eight hours' notice shall be given by the Undertakers or the gas company, as the case may be, to the other of them, and in that case the provisions of this section, so far as applicable, shall then apply to such service pipes or lines accordingly.

Whenever any electric line shall be laid down crossing or liable to touch gas mains, pipes, or services, the conductor carrying the electric current shall be effectively insulated in a manner approved by the Board of Trade. The Undertakers shall not, except with the consent of the gas company, lay down any electric lines so as to come into contact with any mains or pipes

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of any gas company, nor employ any mains or pipes of any gas company as conductors for the purpose of completing the electric circuit or for the conveyance of electric currents.

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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 or water company" shall include any body or person supplying gas or water.

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 telephone
companies, &c

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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A.D. 1890. *Crystal Palace and District.* in the case of a continuing offence, to a further penalty not exceeding forty shillings for every day after the first day during which such default 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 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 ines affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

Provision as to subways.

22. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway, and the county council or the local authority (as the case may be) in whom such subway is vested, serve a notice upon them requiring them to lay the same in the subway, then notwithstanding anything in any special or general Act of Parliament contained, the powers conferred by this Order and the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such street in so far as the subway extends under the surface thereof; and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Where any electric line of the Undertakers has been laid in any such subway before the commencement of this Order, or shall be so laid under the provisions of this section, they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement, or in case of difference by arbitration: Provided that the Undertakers shall have access to such subway at all reasonable times, and subject to such conditions as may be settled in like manner.

Compulsory Works.

Mains, &c., to be laid down in streets specified in Second Schedule.

23. 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.

Mains to be laid down in remainder of area of supply.

24. In addition to the mains specified in the last preceding section 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.

25. 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

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Order has 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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As to laying
of electric
line under
special agree-
ment.

26. 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 the premises in his or their occupation the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

27. If the Undertakers make default in laying down any 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 every 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, upon the application of the county council or 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 county council and 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.

28. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street under the last preceding sections may be made by two 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 requi-
sition is to be
made.

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

Forms of requisitions 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 applying for the same, and any requisition so supplied shall be deemed valid in point of form.

29. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days

Provisions on
requisition by
owners or
occupiers.

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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 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 two 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 specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and 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 shall 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 two years at the least, such specific 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 any difference arises between the Undertakers and any persons signing any such requisition as to the reasonableness of the amounts specified by the Undertakers in their notice, such difference shall be determined by arbitration.

Provisions on
requisition
by local
authority.

30. 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 such requisition is made as may be under their management or control.

Maps.

Map of area
of supply to
be made.

31. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply on a horizontal scale of at least one inch to eighty-eight feet, and shall cause to be marked thereon the line of all their then existing mains, service lines, and

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other underground works and distributing boxes, and shall also cause to be made sections on the same horizontal scale as the map and on a vertical scale of at least one inch to eleven feet, showing the line and level of all their existing mains and underground works other than service lines, and shall once in every year cause such map and sections to be duly corrected so as to show the then existing lines and levels.

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32. Every map and section so made or corrected for 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 a copy of every such map and section shall, within one month after the same is made or corrected, be served by the Undertakers upon the Board of Trade and upon the Postmaster-General, and upon the county council, and upon the local authority.

Deposit and
inspection
of maps.

Every copy of such map and section as last corrected, which may be served upon the local authority, shall be kept by them at their office, 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 local authority 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 one shilling for each copy of the same, or any part thereof, taken by such applicant, as they may from time to time prescribe.

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

Penalty on
Undertakers
in respect of
maps, &c.

Testing.

34. Each of the following authorities, that is to say, the county council in respect of so much of the area of supply as is within the county of London, and the local authority in respect of such parts thereof as are without the county of London, so long as such authorities respectively are not themselves the Undertakers for the purposes of this Order, shall from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors for the districts of the said authorities respectively for the purpose of inspecting electric lines and works, and of certifying meters under this Order.

Appointment
of electric
inspectors
by county
council.

35. If no electric inspector is appointed by any such authority, or if such 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 for the purposes aforesaid.

Appointment
of electric
inspectors by
Board of
Trade in
certain cases.

36. The county council or the local authority as the case may be shall pay to every electric inspector appointed by them under this Order such

Remuneration
of electric
inspectors.

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A.D. 1890. *Crystal Palace and District.* reasonable remuneration (if any) as they, or (in case of an electric inspector appointed by the Board of Trade) the Board of Trade may from time to time determine and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order, as may be settled by the authority by whom such remuneration is determined: Provided that where any such remuneration is settled to be in substitution for such fees as aforesaid, such fees shall, in lieu of being paid to such electric inspector for his own use, be due and paid to him on behalf and for the use of the county council or local authority, and shall be carried by them to the county fund or local rate as the case may be.

Testing of mains. 37. Every electric inspector, if and when required to do so by the authority by whom he is appointed, shall from time to time test for insulation and conductivity any portion of any main of the Undertakers within the district of such authority through which energy is, or is intended to be, supplied by them: Provided 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 service lines. 38. Every electric inspector, if and when required to do so by any person supplied with energy by the Undertakers within the district for which he is appointed, shall from time to time test for insulation and conductivity any service lines by which such energy is supplied, and the efficiency of any joints in such service lines, and make such other tests in relation to such service lines as may from time to time be approved of by the Board of Trade.

Mode of testing. 39. Notice shall be given to the Undertakers before the commencement of such testing by an electric inspector, and such testing shall be carried out at such suitable hours, as in the opinion of such inspector will least interfere with the supply of energy by the Undertakers, and in such manner as such 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.

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 county council within the administrative county of London or as the local authority in the remainder of the area of supply 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 county council or local authority and the Undertakers as to whether the number of such testing stations and the

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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.

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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 instru-
 ments 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 in 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 within the district for which he is appointed, 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 Under-
 takers' instru-
 ments.

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.

Representa-
 tion of Under-
 takers as to
 testings.

45. 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 authority or person 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 or any authority, company, or person, 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.

46. All expenses of testing by an electric inspector, including such reasonable fees to the electric inspector as may from time to time be prescribed in that behalf by the county council within the administrative county of London and by the local authority in the remainder of the area of supply, with the approval of the Board of Trade, shall be paid by the Undertakers, unless the report of the electric inspector, or in the case of an appeal, the decision of the

Expenses of
 testing.

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A.D. 1890. Board of Trade, shows that the county council, local authority, or any body or person supplied with energy was unreasonable in requiring the test to be made, or was guilty of any default or negligence; and in such case the expenses of the testing, including such fees, as aforesaid, shall, on the application of the electric inspector, be ascertained by a court of summary jurisdiction and paid by such local authority, body or person as the court having regard to such report or decision shall direct.

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Undertakers
to give
facilities for
testing.

47. The Undertakers shall afford all facilities for the proper execution of this Order, with respect to 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 in the case of a continuing offence to a further penalty not exceeding one pound for every day after the first day during which such offence continues.

Remedying
of system and
works.

48. 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 such 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 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 within 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.

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Supply.

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Undertakers to
furnish suffi-
cient supply of
energy to
owners and
occupiers
within the area
of supply.

49. 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 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 insufficient, and in case any such owner

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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, or until any electric inspector certifies that the supply of energy to such premises ought to be resumed.

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 works 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 works, such difference shall be determined by arbitration.

Maximum
power.

50. 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 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 such difference shall be determined by arbitration.

Supply of
energy to
public lamps.

51. 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 authorized 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.

52. 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

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exceeding forty shillings in respect of every such default for each day on which any such default occurs. A.D. 1890.

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.

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Whenever the Undertakers make default in supplying energy in accordance with the terms of any regulations and conditions, subject to which they are authorized 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.

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

- (1.) By the actual quantity of energy so supplied; or,
- (2.) By the electrical quantity contained in such supply; or unless the Board of Trade from time to time otherwise direct,
- (3.) By the number of hours during which the supply of energy is actually used by such consumer, and the maximum power with which he is for the time being entitled to be supplied.

Provided that before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main; 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 county council and the local authority and to every consumer of energy who is supplied by them from such main.

Provided also, that when the Undertakers have given notice that they propose to charge by the number of hours and the maximum power in manner above described, any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual quantity 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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Maximum
prices.

54. 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, second, and third sections thereof respectively.

Provided that if the county council, the local authority or the Undertakers, shall at any time after the expiration of a period of seven years from the twenty-sixth day of August, 1889; make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 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.

55. 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 in cases where he is entitled to require a supply, 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.

56. 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.

Meters and Apparatus.

Meters to be
used except by
agreement.

57. The energy supplied by the Undertakers to any ordinary consumer under this Order, or the electrical quantity contained in the 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.

58. 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 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 to be a correct meter; 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

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meter unless and until it be again certified as a certified meter under the provisions of this Order. A.D. 1890.

59. Every electric inspector who may be required by the Undertakers or by any consumer to examine any meter for the purpose of certifying the same as a certified meter under the provisions of this Order, shall be entitled to demand from the Undertakers or consumers so requiring him and to be paid such fees as may from time to time be determined in that behalf by the county council or local authority as the case may be, with the approval of the Board of Trade before commencing such examination, and every electric inspector shall, upon being required so to do by the Undertakers or any such consumer as aforesaid, examine any meter situate within the district for which he is appointed if such fees are offered to him as aforesaid, and shall certify the same as a certified meter if he considers it entitled to be so certified.

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Fees for cer-
tifying meters.

60. 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 the 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 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.

Undertakers to
supply meters
if required to
do so.

61. 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.

62. Every consumer of energy supplied by the Undertakers shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is under this Order 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.

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Power to
Undertakers
to let meter.

63. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking, for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Undertakers of such meter or apparatus 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 meters
let for hire in
repair.

64. 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.

65. 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 county council are the consumers, by an inspector to be appointed by the Board of Trade, who shall determine the value which ought to have been registered, and 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 expenses
of providing
new meters
where method
of charge
altered.

66. 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 mea-
sure supply
or to check
measurement
thereof.

67. 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

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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 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 terminals on the consumer's premises at which the supply is given.

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Notices, &c.

68. 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 county council or the local authority, the signature thereof by the clerk or surveyor to the county council or the local authority shall be sufficient authentication.

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

69. 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 the county council, the office of the said 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, any such office;
- (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

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Purchase by Local Authority.

Purchase
by local
authority.

70. Each local authority whose district is wholly or partly comprised within the area of supply may, after the period of seven years and within the period of fifteen years from the commencement of the Order, give to the Undertakers notice in writing requiring the Undertakers to sell, and thereupon the Undertakers shall sell to the said local authority so much of the undertaking as is within the district of that local authority, subject to all then subsisting rights and contracts, at a price equivalent to the capital expenditure properly incurred upon so much of the undertaking as aforesaid, with an addition of thirty-three per cent. on the amount so ascertained.

Any question arising in the settlement of the price to be paid under this section shall be determined by arbitration.

Provision as
to purchase
of part of
undertaking
within county
of London.

71. With respect to so much of the undertaking as shall be within the administrative county of London, a period of forty-two years from the 26th day of August, 1889, shall, for the purposes of section two of the Electric Lighting Act, 1888, be substituted for the period of forty-two years from the date of the passing of the Act confirming this Order.

Revocation of Order.

Revocation
of Order where
Undertakers
are insolvent.

72. If at any time after the commencement of this Order the county council or any 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 shall, upon the application of the county council or 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.

73. 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 county council and of the local authority) as to any part of the area of supply.

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Revocation
of Order with
consent.

Provisions
where Order
revoked.

74. 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, the county council, and the local authorities, upon such terms as the Board of Trade may think just.

75. 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 county council and each local authority concerned, 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 a local authority, that local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such part of it as is within their district 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 within such district, 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 no purchase is effected by the said local authority under the provisions of the last sub-section, and any other local authority, company, or person is willing to purchase the undertaking, or such part of it as aforesaid, the Board of Trade, if they think fit, may, with the consent of the local authority and the Undertakers, or without the consent of the Undertakers in case the price is not less than that for which the first-mentioned local authority might have purchased the same under this section, direct that the undertaking, or such part thereof as aforesaid, shall be transferred to such other local authority, company, or person, and thereupon on the payment of the value of the same agreed or estimated as aforesaid, the undertaking or such part thereof as aforesaid, shall be so transferred.
- (d.) Where any purchase is effected, or any transfer is directed under the preceding provisions of this section, the undertaking, or part thereof so purchased or transferred, shall vest in the purchasers or transferees thereof, 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 or transferred 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

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or part thereof in favour of the local authority, company, or person, by or to whom such undertaking or part thereof is purchased or transferred as aforesaid.

- (e.) Where no purchase has been effected and no transfer has been directed 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 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 such other 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.

- (f.) 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, 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.

Nature and
amount of
security.

76. 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

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given shall pay interest at the rate of five 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.

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District.*

Proceedings
where approval
of Board of
Trade is
required.

77. Where the approval or consent of the Board of Trade is given in any case, or where the Board of Trade makes any order or gives any notice under the provisions of this Order or revokes this Order, such approval or consent shall be signified, or such order shall be made or notice given or revocation made by writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

78. 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, shall to such an amount as the Board of Trade shall certify to be due, 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 appli-
cations for
approval or
consent of
Board of
Trade.

79. 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, the county council 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.

80. 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 county council and the local authority by the Undertakers, and an opportunity shall be given to the county council and 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.

81. All penalties under this Order, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before a court of summary jurisdiction.

Recovery of
penalties.

Any penalty recovered under this Order on prosecution by an officer of the county council, shall, if there is any electric inspector for the time being appointed by such council, be paid to such officer and by him to the county council, and shall be carried to the county fund.

All other penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties recovered summarily within the metropolitan police district.

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Undertakers to
be responsible
for all
damages.

As to
mortgages.

Saving clause
for Postmaster-
General.

For protection
of railway
and canal
companies.

Saving for
embankments,
&c., of county
council.

Undertakers
not exempted
from pro-
ceedings for
nuisance.

Provision as to
general Acts.

82. 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.

83. 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 purchased or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

84. 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.

85. In the exercise of any of the powers of this Order relative 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.

86. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment, park, or open space for the time being vested in the county council or the local authority (except so far as any part of such park or open space forms part of a street), or to interfere with or make use of any tunnel, sewer, or subway so vested, except with the consent in writing of such council or authority, and subject to such terms and conditions as they may impose.

87. 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.

88. 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 in this or any future session of Parliament.

SCHEDULES.

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FIRST SCHEDULE.

AREA OF SUPPLY :—The area bounded by a line drawn from the junction of Anerley Road with Thicket Road, through Thicket Road, Crystal Palace Park Road, Lawrie Park Road, Kirkdale Road, High Street, Sydenham, Sydenham Hill Road, Sydenham Hill, Crescent Wood Road to the junction of Crescent Road with Sydenham Hill and Wells Road, and thence in a direct line to the junction of Farquhar Road with Dulwich Wood Park, thence in a direct line to the junction of Westow Hill, Upper Norwood with Gipsy Hill, thence along the boundary of the county of London to Belvedere Road, thence along Belvedere Road to its junction with Talavera Road, and thence in a direct line to the junction of Anerley Road with Thicket Road.

Where the boundary of the area of supply is a street, the houses and premises on both sides of such street shall be deemed to be within the area of supply.

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 :—

Sydenham Road, between Bank Buildings and Jews Walk, Sydenham Avenue, otherwise Lawrie Park Avenue, Crystal Palace Road from its junction with Sydenham Avenue aforesaid to Lawrie Road, Border Road, and Westwood Road, and so much of Westow Hill in the parish of Lambeth as is within the area of supply.

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 : College Road, Jasper Road (adjunct), Longton Avenue, George Road, Cintra Park, otherwise Talavera Road, Oakfield Avenue, Prospect Road, Crystal Palace Park Road, Fountain Road.

(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.

The expression "standard pressure" shall mean such a constant difference of potential at corresponding points of the positive and negative distributing mains as may be fixed by any regulations under this Order.

SECTION 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any quantity 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 quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the distributing mains and the service lines by which he is supplied.

Provided that where the Undertakers' system involves a transformation of the energy supplied on the consumer's premises, the quantity of energy supplied to him may be taken to be the product of such electrical quantity, and the standard pressure on the Undertakers' mains divided by the number expressing the ratio of the transformation employed.

SECTION 3.

Where the Undertakers charge any consumer by the number of hours during which he actually uses his supply, they shall be entitled to charge him at the rates specified in section 1 of this schedule, the quantity of energy supplied to him being calculated on the supposition that the consumer uses the maximum power specified by him under the provisions of this Order during all the hours that he has used the supply.

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tion (No. 12) Act, 1890.

METROPOLITAN ELECTRIC SUPPLY (PADDINGTON). A.D. 1890.

Provisional Order under the Electric Lighting Acts 1882 and 1888
granted by the Board of Trade to the Metropolitan Electric
Supply Company Limited in respect of the parish of
Paddington.

Preliminary.

1. This Order may be cited as the Metropolitan Electric Supply Company (Paddington) 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 continuous electric line which may be laid down by the Undertakers in any street subway 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 continuous electric line through which energy may be supplied or intended to be supplied by the Undertakers to any particular 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 "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires ;

The expression "county council" shall mean the London County Council and the provisions of this Order in which the county council is expressly

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mentioned shall be construed without derogation to the powers duties and liabilities of that council as local authority under this Order and the principal Act ;

The expression "water company" shall for the purposes of this Order include a company supplying water under pressure as a motive power ;

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 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 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 section 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 Metropolitan Electric Supply Company Limited being a company registered under the Companies Acts 1862 to 1886 with limited liability and having its registered offices at 50 Old Broad Street in the city of London.

Provided that if the undertaking or any part thereof is at any time purchased by or transferred to any other body or persons in accordance with the provisions of this Order or of the principal Act such body or persons shall from the date of such purchase or transfer 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 within the administrative county of London unless the Undertakers are authorised by Parliament to do so.

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Area of Supply.

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Readington.

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 under the principal Act.

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 a sum of twenty thousand pounds in respect of 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 or fail to deposit or secure such sum or sums as aforesaid the Board of Trade may after considering any representations which the county council or the local authority may make revoke this Order as to the whole or with the consent of the Undertakers any part of the area affected thereby upon such terms as they may think just.

The 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.

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 county council and the local authority may make) at all times keep

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A.D. 1890. accounts of the capital employed for the purposes of the undertaking distinct
Paddington. from the accounts kept by them in respect of any other undertaking or
business.

Audit of
Undertakers'
accounts.

9. The accounts to be rendered by the Undertakers under the ninth section of the principal Act shall be examined and audited from time to time 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 properly incurred by him in or about the execution of his duties shall be paid by the Undertakers on demand in such manner as the Board of Trade from time to time direct and shall be a debt due from the Undertakers to the Crown and shall be recoverable accordingly with costs.

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.

On application being made by the local authority to the Undertakers on or before the thirty-first day of December in any year the Undertakers shall cause a statement of account and balance sheet to be prepared showing the whole of their receipts and expenditure in respect of the area of supply in that year and shall send a copy of such statement of account and balance sheet to the local authority on or before the twenty-fifth of March then next following under a penalty not exceeding one hundred pounds for each default. The local authority shall at all convenient times have access to the books and accounts of the Undertakers relating to such area and the Undertakers shall whenever required provide the local authority with all such vouchers and information as they may require for the purpose of verifying any such statement of account and balance sheet under a penalty not exceeding one hundred pounds for each default.

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 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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Paddington.

(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 undertakings 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.

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 tramways and canals (if any) as are specified in the Third Schedule so far as such streets railways tramways and canals 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.

12. Subject to the provisions of this Order and the principal Act the Undertakers may also from time to time construct distributing boxes in any street for the purpose of supplying energy: Provided that no such box shall be placed above ground except with the consent of the local authority or if the street is repairable by them of the county council.

Distributing
boxes.

Every such distributing 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

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A.D. 1890. for examining or testing the condition of the mains or other portions of the
Paddington. 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 distributing 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 or (if the street is repairable by them) the county council may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such distributing 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 distributing box without the consent of the local authority or county council (as the case may be) 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 county council and the local authority place any electric line above ground along over or across any street or public place or supply energy by means of any electric line so placed.

If the Undertakers place 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 distributing 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 and the local authority and the county council 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

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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 or the county council 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 or the county council 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 or the county council 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 or the county council 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 and the county council or by the Board of Trade as above mentioned under this Order 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 and the county council 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 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 default continues: Provided that the Under-

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takers 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 breaking
up 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 or under along or across any street or part of a street not repairable by the local authority or the county council or over or under any railway tramway or canal the following provisions shall have effect unless otherwise agreed between the parties interested:—

- (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 and stating the amount of compensation (if any) proposed to be made in respect thereof and the manner in which such compensation is proposed to be paid or secured 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 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;

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- (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 in the manner proposed by them or settled by arbitration as aforesaid 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. And the word "railway" shall for the purposes of this section include any tunnel in or under any street or road which the Undertakers are authorised to break up ;
- (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 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 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 default 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.

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16. The county council 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 tramway or canal 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 county council or 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 county council local authority or any such body

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

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tion (No. 12) Act, 1890.

A.D. 1890. or person as aforesaid (in this section referred to as "the givers of the
Paddington. 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 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 : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having

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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; 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 who shall have power to determine the amount thereof;
- (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 or canals 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 county council or 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 alterations 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 and stating the amount of compensation (if any) proposed to be made in respect thereof and the manner in which such compensation (if any) is proposed to be paid or secured 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

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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 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 in the manner proposed by them or settled by arbitration as aforesaid 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 ;

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- (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 ; A.D. 1890.
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- (I) All expenses properly incurred by any owners in complying with any notification of any operators under the last preceding sub-sections shall be repaid to them by such operators and may be recovered summarily before a court of summary jurisdiction, who shall have power to determine the amount thereof ;
- (J) Any owners may if they think fit by any statement served by them upon any operators under this section require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by 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 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 default continues: 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. Whenever 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 county council or of any local authority or any main pipe syphon or other work belonging to any gas or water company or any branch or service pipe for the supply of gas or water 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 county council or local authority or to such gas or water company or to the Undertakers (as the case may be) in this section referred to as the

Laying of
 electric lines
 &c. near those
 of gas or water
 companies and
 near sewers
 drains &c.

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A.D. 1890. "owners" not less than fourteen days' notice before commencing to dig or
Paddington. 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 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.

And 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 such works and on completion
provide a suitable and proper foundation for the same where so undermined.

The owners upon giving notice to the Undertakers during the fourteen days
herein-before referred to of their desire to execute any work to which the
provisions of this section apply may themselves execute the same and in case
they give such notice they shall execute such work with due care and
diligence and shall be subject to the like restrictions and conditions as the
operators would themselves be subject to in respect of the same and the
reasonable costs of executing such works shall be repaid by the operators to
the owners: Provided always that the provisions of this paragraph shall not
apply so long as any like notice from the county council the local authority
or other body or person under the provision of the section of this Order
whereof the marginal note is "County council local authority &c. may give
" notice to break up streets &c. on behalf of Undertakers" remains in force.

Provided always that when the Undertakers or any gas company desire to
lay a service pipe or line to a house or premises already connected by a
service pipe or line with the works of the gas company or the Undertakers as
the case may be forty-eight hours' notice shall be given by the Undertakers
or the gas company as the case may be to the other of them and in that case
the provisions of this section so far as applicable shall then apply to such
service pipes or lines accordingly.

Whenever any electric line shall be laid down crossing or liable to touch
gas mains pipes or services the conductor carrying the electric current shall be
effectively insulated in a manner approved by the Board of Trade. The
Undertakers shall not except with the consent of the gas company lay down
any electric lines so as to come into contact with any mains or pipes of any gas
company nor employ any mains or pipes of any gas company as conductors
for the purpose of completing the electric circuit or for the conveyance of
electric currents.

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 in the case of a continuing

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offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: 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.

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For the purposes of this section the expression "gas or water company" shall include any body or person supplying gas or water.

19. 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 wire 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 telephone
companies &c.

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 in the case of a continuing offence to a further penalty not exceeding forty shillings for every day after the first day during which such default 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 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

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tion (No. 12) Act, 1890.**

A.D. 1890. or lines affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

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Provision as
to subways.

20. Where the Undertakers desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway and the county council or the local authority (as the case may be) in whom such subway is vested serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained the powers conferred by this Order or the principal Act with respect to the breaking up and interfering with streets shall not be exercised by the Undertakers as to such street in so far as the subway extends under the surface thereof and any electric line to which this section applies shall be laid in the subway in such manner and position as the county council or local authority shall direct or approve.

Where any electric line of the Undertakers has been laid in any such subway before the commencement of this Order or shall be so laid under the provisions of this section they shall pay to the county council or local authority in whom the subway is vested such reasonable rent for the use thereof as may be settled by agreement or in case of difference by arbitration: Provided that the Undertakers shall have access to such subway at all such reasonable times and subject to such conditions as may be settled in like manner.

Compulsory Works.

Generating
stations.

21. The Undertakers shall establish and maintain within the area of supply one or more generating stations sufficient for the supply of energy under this Order.

Mains &c. to
be laid down
in streets.

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.

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 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 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 the premises in his or their occupation 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 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 upon the application of the county council or 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 county council and 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.

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 under the last preceding sections may be made by two 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 such requisition 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 applying 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 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 two 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

Provisions on requisition by owners or occupiers.

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A.D. 1890. 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 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.

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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 two 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 sums 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 any difference arises between the Undertakers and any persons signing any such requisition as to the reasonableness of the amounts specified by the Undertakers in their notice such difference shall 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 such requisition is made as may be under their management or control.

Maps.

Map of area of
supply to be
made.

28. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply on a horizontal scale of at least one inch to eighty-eight feet and shall cause to be marked thereon the line of all their then existing mains service lines and other underground works and distributing boxes and shall also cause to be made sections on the same horizontal scale as the map and on a vertical scale of at least one inch to eleven feet showing the line and level of all their existing mains and underground works other than service lines and shall once in every year cause such map and sections to be duly corrected so as to show the then existing lines and levels.

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Paddington.
 Deposit and
 inspection of
 maps.

29. Every map and section so made, or corrected for 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 a copy of every such map and section shall within one month after the same is made or corrected be served by the Undertakers upon the Board of Trade and upon the Postmaster-General and upon the county council and upon the local authority.

Every copy of such map as last corrected which may be served upon the local authority shall be kept by them at their office 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 local authority 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 one shilling for each copy of the same or any part thereof taken by such applicant as they may from time to time prescribe.

30. If the Undertakers fail to comply with any of the requirements of the last preceding sections of this Order with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding two pounds for every day after the first day during which such offence continues.

Penalty on
 Undertakers
 in respect of
 maps &c.

Testing.

31. The county council so long as they are not themselves the Undertakers for the purposes of this Order shall from time to time appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors for the purpose of inspecting electric lines and works and of certifying meters under this Order.

Appointment
 of electric
 inspectors by
 county council.

32. If no electric inspector is appointed by the county council or if the county council themselves become the Undertakers for the purposes of this Order the Board of Trade on the application of any person supplied with energy by the Undertakers within the area of supply 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 for the purposes aforesaid.

Appointment
 of electric
 inspectors by
 Board of
 Trade in
 certain cases.

33. The county council shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as they or (in case of an electric inspector appointed by the Board of Trade) the Board of Trade may from time to time determine and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order as may be settled by the authority by whom such remuneration is determined: Provided that where any such remuneration is settled to be in substitution for such fees as aforesaid such fees shall in lieu of being paid to such electric inspector for

Remuneration
 of electric
 inspectors.

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Testing of
mains.

his own use be due and paid to him on behalf and for the use of the county council and shall be carried by them to the county fund.

34. Every electric inspector if and when required to do so by the authority by whom he is appointed shall from time to time test for insulation and conductivity any portion of any main of the Undertakers within the area of supply through which energy is or is intended to be supplied by them: Provided 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
service lines.

5. Every electric inspector if and when required to do so by any person supplied with energy by the Undertakers shall from time to time test for insulation and conductivity any service lines by which such energy is supplied and the efficiency of any joints in such service lines and make such other tests in relation to such service lines as may from time to time be approved of by the Board of Trade.

Mode of
testing.

36. Notice shall be given to the Undertakers before the commencement of such testing by an electric inspector and such testing shall be carried out at such suitable hours as in the opinion of such inspector will least interfere with the supply of energy by the Undertakers and in such manner as such 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.

Undertakers
to establish
testing stations.

37. 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 county council 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 county council 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

38. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper

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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. A.D. 1890.
Paddington.
on their premises.

39. 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.

40. 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.

41. 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.

42. 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 authority or person 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 or any authority company or person 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.

43. All expenses of testing by an electric inspector including such reasonable fees to the electric inspector as may from time to time be prescribed in that behalf by the county council with the approval of the Board of Trade shall be paid by the Undertakers unless the report of the electric inspector or in the case of an appeal the decision of the Board of Trade shows that the local authority or any body or person supplied with energy was unreasonable in requiring the test to be made or was guilty of any default or negligence and in such case the expenses of the testing including such fees as aforesaid shall on the application of the electric inspector be ascertained by a court of summary jurisdiction and paid by such local authority body or person as the court having regard to such report or decision shall direct. Expenses of testing.

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Undertakers
to give
facilities for
testing.

44. The Undertakers shall afford all facilities for the proper execution of this Order with respect to 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 in the case of a continuing offence to a further penalty not exceeding one pound for every day after the first day during which such offence continues.

Remedying of
system and
works.

45. 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 circuit 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 such 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 works 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 continue.

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 within 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.

Supply.

Undertakers
to furnish
sufficient
supply of
energy to
owners and

46. 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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 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.

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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 or until any electric inspector certifies that the supply of energy to such premises ought to be resumed.

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 works 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 works such difference shall be determined by arbitration.

Maximum
power.

47. 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 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 such difference shall be determined by arbitration.

Supply of
energy to
public lamps.

48. 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.

49. 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.

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

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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.

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

Methods of
charging.

- (1) By the actual quantity of energy so supplied; or
- (2) By the electrical quantity contained in such supply; or unless the Board of Trade from time to time otherwise direct
- (3) By the number of hours during which the supply of energy is actually used by such consumer and the maximum power with which he is for the time being entitled to be supplied.

Provided that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to the county council and the local authority by what method they propose to charge for energy supplied through such main 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 county council and the local authority and to every consumer of energy who is supplied by them from such main.

Provided also that when the Undertakers have given notice that they propose to charge by the number of hours and the maximum power in manner above described any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual quantity 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.

51. 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 second and third sections thereof respectively.

Maximum
prices.

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A.D. 1890. *Paddington.* Provided that if the county council the local authority or the Undertakers shall at any time after the expiration of seven years from the 26th day of August 1889 make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule 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 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. 52. 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 in cases where he is entitled to require a supply 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. 53. 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.

Meters and Apparatus.

Meters to be used except by agreement. 54. The 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. 55. 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 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 to be a correct meter 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.

[53 & 54 VICT.] *Electric Lighting Orders Confirmation* [Ch. cxcviii.]
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56. Every electric inspector who may be required by the Undertakers or by any consumer to examine any meter for the purpose of certifying the same as a certified meter under the provisions of this Order shall be entitled to demand from the Undertakers or consumer so requiring him and to be paid such fees as may from time to time be determined in that behalf by the county council with the approval of the Board of Trade before commencing such examination and every electric inspector shall upon being required so to do by the Undertakers or any such consumer as aforesaid examine any meter situate within the district for which he is appointed if such fees are offered to him as aforesaid and shall certify the same as a certified meter if he considers it entitled to be so certified.

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Fees for
certifying
meters.

57. 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 the 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 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 hereinafter provided.

Undertakers
to supply
meters if re-
quired to do so.

58. 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.

59. Every consumer of energy supplied by the Undertakers shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is under this Order 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.

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Power to the
Undertakers
to let meters.

60. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto and any other apparatus required for their undertaking for such remuneration in money and on such terms with respect to the repair of such meter or apparatus and fittings and for securing the safety and return to the Undertakers of such meter or apparatus 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 meters
let for hire in
repair.

61. 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.

62. 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 county council are the consumers by an inspector to be appointed by the Board of Trade who shall determine the value which ought to have been registered and 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 pro-
viding new
meters where
method of
charge altered.

63. 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.

64. 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

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amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum amount of such supply or any other quantity or time connected therewith: Provided that such meter 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 terminals on the consumer's premises at which the supply is given.

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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 county council or the local authority the signature thereof by the clerk or surveyor to the county council or to the local authority shall be sufficient authentication.

Notices &c.
 may be printed
 or written.

66. Any notice order or document required or authorized 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 St. Martin's-le-Grand;
- (C) In the case of the county council the office of the said 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 any such office;
- (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

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A.D. 1890. the same or a true copy thereof to some person on the premises or if
Paddington. 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.

Purchase by Local Authority.

67. In lieu of the period of forty-two years from the date mentioned in section 2 of the Electric Lighting Act 1888 there shall be substituted for the purposes of this Order a period of forty-two years from the twenty-sixth day of August one thousand eight hundred and eighty-nine and the other provisions of the said section shall apply accordingly.

Revocation of Order.

Revocation of
Order where
Undertakers
are insolvent.

68. If at any time after the commencement of this Order the county council or 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 shall upon the application of the county council or 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.

69. 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 the county council and of the local authority) as to any part of the area of supply.

Revocation of
Order with
consent.

70. 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 the county council and the local authority upon such terms as the Board of Trade may think just.

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71. 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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Provisions
where Order
revoked.

- (A) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the county council and 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 the undertaking or such part of it as is within such area or part thereof as aforesaid 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 within such area or part thereof 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 2 of that Act;
- (C) Where no purchase is effected by the local authority under the provisions of the last sub-section and any other local authority company or person is willing to purchase the undertaking or such part of it as aforesaid the Board of Trade if they think fit may with the consent of the local authority and the Undertakers or without the consent of the Undertakers in case the price is not less than that for which the local authority might have purchased the same under this section direct that the undertaking or such part thereof as aforesaid shall be transferred to such other local authority company or person and thereupon on the payment of the value of the same agreed or estimated as aforesaid the undertaking or such part thereof as aforesaid shall be so transferred;
- (D) Where any purchase is effected or any transfer is directed under the preceding provisions of this section the undertaking or part thereof so purchased or transferred shall vest in the purchasers or transferees thereof 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 or transferred 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 company or person by or to whom such undertaking or part thereof is purchased or transferred as aforesaid;

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(E) Where no purchase has been effected and no transfer has been directed 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 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;

(F) 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.

Nature and
amount of
security.

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

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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 five 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.

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73. Where the approval or consent of the Board of Trade is given in any case or where the Board of Trade makes any order or gives any notice under the provisions of this Order, or revokes this Order, such approval or consent shall be signified or such order shall be made or notice given or revocation made by writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Proceedings
 where approval
 of Board of
 Trade is
 required.

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 the tests (if any) 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 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.

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 the county council 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.

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 county council and the local authority by the Undertakers and an opportunity shall be given to the county council and the local authority to make representations or objections with reference thereto.

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

77. All penalties under this Order the recovery of which is not otherwise specially provided for may be recovered in a summary manner before a court of summary jurisdiction.

Recovery of
 penalties.

Any penalty recovered under this Order on prosecution by an officer of the county council shall if there is any electric inspector for the time being

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Paddington.

All other penalties recovered summarily under this Order shall be applied according to the law regulating the application of penalties recovered summarily within the metropolitan police district.

Undertakers
to be re-
sponsible 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
mortgages.

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 2 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 purchased 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.

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.

As to crossing
London
bridges.

81. Notwithstanding anything herein contained it shall not be lawful for the Undertakers to break up or interfere with any bridge or the approaches thereto vested in the county council or the roadway or footway over the same except in accordance with plans sections and particulars previously submitted to and approved in writing by the said council or as may be settled by arbitration as herein provided.

If within twenty-eight days after the submission of such plans sections and particulars to the said council with notice in writing requiring them to approve the same the said council shall disapprove or fail to approve such plans sections and particulars then such plans sections and particulars shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either the said council or the Undertakers.

Such arbitrator shall consider and determine having regard to the structure and design of the bridge and to all other circumstances of the case on what terms and conditions and in accordance with what plans sections and particulars such crossings should be allowed and the Undertakers shall be bound

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to comply with and observe all the terms and conditions imposed and the plans sections and particulars approved by such arbitrator.

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82. Nothing in this Order shall authorise the Undertakers to break up or otherwise interfere with any embankment park or open space for the time being vested in the county council or the local authority except so far as any part of such embankment park or open space forms part of a street or to interfere with or make use of any tunnel sewer or subway so vested except with the consent in writing of such council or authority and subject to such terms and conditions as they may impose.

Saving for embankments &c. of county council.

83. 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.

84. In the exercise of any of the powers of this Order relative 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.

85. 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 in this or any future session of Parliament.

Provision as to general Acts.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The parish of Paddington.

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.

So much of the following streets or parts of streets as lies within the area of supply :—

Albion Street
 Alexander Street
 Bayswater Hill
 Bayswater Road

Bayswater Terrace
 Bishop's Road
 Blomfield Crescent
 Blomfield Road

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Blomfield Terrace	Norfolk Square
Burwood Place	Orsett Terrace
Cambridge Square	Oxford Square
Cambridge Street	Oxford Terrace
Cambridge Terrace	Palace Houses
Carlton Road	Porchester Houses
Castellon Road	Porchester Gate
Chester Place	Porchester Road
Clarendon Place	Porchester Square
Cleveland Gardens	Porchester Terrace
Cleveland Square	Portsdown Road
Cleveland Terrace	Praed Street
Clifton Gardens	Princess Square
Clifton Road	Queen's Gardens
Clifton Villas	Queen's Road
Coburg Place	Queensborough Terrace
Connaught Place	Randolph Crescent
Connaught Square	Randolph Gardens
Craven Hill	Randolph Road
Craven Road	St. Agnes Villas
Devonshire Terrace	St. Stephen's Crescent
Durham Terrace	St. Stephen's Road
Edgware Road	St. Stephen's Square
Elgin Avenue	Somers Place
Gloucester Crescent	Southwick Crescent
Gloucester Gardens	Southwick Place
Gloucester Place	Southwick Street
Gloucester Square	Stanhope Place
Harrow Road	Stanhope Street
Hatherley Grove	Stanhope Terrace
Hyde Park Gardens	Sussex Gardens
Hyde Park Place	Sussex Square
Hyde Park Square	Sutherland Avenue
Hyde Park Street	Sutherland Terrace
Hyde Park Terrace	Upper Westbourne Terrace
Inverness Terrace	Warrington Crescent
Kensington Gardens Square	Warrington Gardens
Kensington Gardens Terrace	Warwick Road
Kildare Gardens	Wellington Terrace
Kildare Terrace	Westbourne Crescent
Lancaster Gate	Westbourne Grove
Leinster Gardens	Westbourne Park
Leinster Square	Westbourne Square
Leinster Terrace	Westbourne Street
Maida Vale	Westbourne Terrace
Marlborough Gate	Westbourne Terrace Road.
Norfolk Crescent	

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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.—None.
 - (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 ;

The expression “standard pressure” shall mean such a constant difference of potential at corresponding points of the positive and negative distributing mains as may be fixed by any regulations under this Order.

SECTION 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any quantity 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 quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the distributing mains and the service lines by which he is supplied.

Provided that where the Undertakers’ system involves a transformation of the energy supplied on the consumer’s premises the quantity of energy supplied to him may be taken to be the product of such electrical quantity and the standard pressure on the Undertakers’ mains divided by the number expressing the ratio of the transformation employed.

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SECTION 3.

Paddington.

Where the Undertakers charge any consumer by the number of hours during which he actually uses his supply they shall be entitled to charge him at the rates specified in section 1 of this schedule the quantity of energy supplied to him being calculated on the supposition that the consumer uses the maximum power specified by him under the provisions of this Order during all the hours that he has used the supply.

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