CHAPTER ciii.

An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Liverpool. [6th July 1895.]

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WHEREAS under the authority of the Electric Lighting Acts 1882 and 1888 the Board of Trade have made the Provisional Order set out in the schedule to this Act: 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 Provisional Order made by the Board of Trade under the authority of the said Acts as set out in the schedule to this Act 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:—

Short title.

1. This Act may be cited as the Electric Lighting Order Confirmation (No. 6) Act 1895.

Order in schedule confirmed.

2. The Order as amended and set out in the schedule to this Act shall be and the same is 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.

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SCHEDULE.

Liverpool. ***Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 and 1888 to the Liverpool Electric Supply Company Limited in respect of a part of the City of Liverpool.***

Preliminary.

Short title. 1. This Order may be cited as the Liverpool Electric Lighting Order 1895.

Interpretation. 2. This Order is to be read and construed subject except as herein-after provided in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings provided that in this Order—

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

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

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

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

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

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

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

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

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

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

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

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

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

The expression "city engineer" means the engineer for the time being of the local authority:

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

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

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

Conditional operation and commencement of Order.

3. This Order shall not have any force or effect unless the boundaries of the city of Liverpool are by a Provisional Order made by the Local Government Board and confirmed by Parliament during the present session extended so as to include the urban district of Toxteth Park but if such Provisional Order shall be so made and confirmed this Order shall come into force and have effect upon the day when the Act confirming this Order is passed or upon the day upon which the Act confirming such Provisional Order is passed whichever day shall be the later and that 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 purposes of this Order are the Liverpool Electric Supply Company Limited being a company registered under the Companies Acts 1862 to 1890 with limited liability and having its registered offices at No. 15 Highfield Street in the city of Liverpool.

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

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

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

Area of Supply.

Area of supply.

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 blue.

Prohibition of supply beyond area of supply.

7. The Undertakers shall not at any time after the commencement of this Order erect or lay down any electric lines or works in any street beyond the area of supply otherwise than under the authority of Parliament or under a licence granted by the Board of Trade under the principal Act.

If the Undertakers 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.

Capital.

Appropriation of capital.

8. Such balance (if any) as remains unexpended of the several sums which in accordance with the provisions of the Liverpool Electric Lighting License 1888 the Liverpool Electric Lighting Order 1889 and the Liverpool Electric Lighting Order 1891 respectively have been bonâ fide subscribed and by special resolution appropriated as a separate capital for the purposes of the undertakings authorised by the said Licence and Orders respectively shall be and remain appropriated as a separate capital for the purposes of the undertaking hereby authorised.

Nature and Mode of Supply.

Systems and mode of supply.

9. 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 principal Act provided as follows:—

(1.) Such energy shall be supplied only by means of some system which shall be approved of in writing by the Board of Trade after consideration of any representations which the local authority may make 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 impose; and

(2.) The Undertakers shall not without the express consent of the local authority and the Board of Trade place any electric line above ground except within premises in the sole occupation or control of the Undertakers and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3.) 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.

Works.

Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been included in the Third Schedule.

Bold Street.

11. No mains distributing mains service lines distributing boxes or other appurtenances shall be laid or constructed in upon or under the carriageway or footways of Bold Street without the previous consent in writing of the local authority.

Street boxes.

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

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing

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regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

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

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority they shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty 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.

Provisions in regard to the local authority.

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of street boxes) will involve the placing or altering the position or removing of any mains distributing mains service lines and other appurtenances in under along or across any street tramway or public bridge repairable by the local authority the following provisions shall have effect :—

(*a.*) All mains distributing mains service lines and all other appurtenances whatsoever for the complete distribution of the electric supply shall in every case (unless the local authority otherwise in writing allow) be laid under the footway on either side of the street and not under the carriageway.

(*b.*) The number size general arrangement position depth and design of all mains distributing mains service lines boxes carriers junctions and all other fittings and appurtenances connected with the complete distribution of the electric supply and laid in upon or under the footway or carriageway shall in every case be subject to the approval in writing of the local authority and shall be submitted for such approval in writing before the same are placed in upon or under such footway or carriageway.

(*c.*) One month before commencing the execution of such work (not being repairs renewals or amendments of existing works of which the character and position are not altered and not being a service line laid at right angles to a distributing main directly into the premises of a consumer or along the same trench as a distributing main and then at right angles as aforesaid) the Undertakers shall serve a notice upon the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and the manner in which it is intended that any street

tramway or bridge or any sewer drain tunnel or other work therein or thereunder should be interfered with and shall upon being required to do so by the local authority give them any such further information in relation thereto as they may desire.

(*d.*) The local authority may in their discretion approve of any such works or plan with or without any amendments conditions or alterations or disapprove the same and may give notice of such approval or disapproval to the Undertakers and the Undertakers shall not be entitled to execute any such works except so far as the same may be of a description in accordance with the plan which has been approved by the local authority provided always that if the local authority fail to give any such notice of approval or disapproval to the Undertakers within five weeks after the service of the notice upon them they shall be deemed to have approved of such works or plan.

(*e.*) Subject to such approval as aforesaid the local authority shall within seven days after the service of a notice in writing requiring them so to do break up so much of the carriageway and footway in any street comprised within the area of supply as may be necessary for the purpose of laying the Undertakers' mains distributing mains service lines and other appurtenances in such streets up to the line of private property and shall commence and with due expedition make the trenches necessary for the laying of the mains distributing mains service lines and other appurtenances provided always that the local authority shall not be bound to break up or after commencing to continue breaking up any carriageway or footway in any such street as aforesaid if owing to unforeseen obstacles it is in the opinion of the local authority impracticable or undesirable to lay mains distributing mains service lines or other appurtenances in such street and the obligation of the Undertakers to lay a main in any such street or part of a street shall cease.

The mains distributing mains service lines and other appurtenances shall be so laid and formed as to be easily distinguished from all mains pipes and fittings of the local authority laid in the same street.

(*f.*) The Undertakers shall not without the consent in writing of the local authority interfere with any of the public tramway lines belonging to the local authority laid in any of the streets within the area of supply and the Undertakers shall not interfere with the free user of the said tramway lines without first obtaining the consent in writing of the Liverpool United Tramways and Omnibus Company or the lessees for the time being of such tramways.

(*g.*) Forthwith after the local authority shall have made such trenches as aforesaid the Undertakers shall at their own expense commence laying the mains distributing mains service lines and other appurtenances as the case may be in such trenches and shall complete the work as soon as possible and the bed of the trenches upon which the mains distributing mains service lines and other appurtenances shall be laid shall be prepared by the Undertakers in such manner and with such materials as the local authority may think fit and in every respect to their satisfaction.

After the Undertakers shall have completed the laying down of the mains distributing mains service lines and other appurtenances the local

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authority shall fill in the trenches and reinstate the carriageways and footways which shall have been broken up and shall do such other work as may thereafter be necessary in consequence of such disturbance of the footway or carriageway or the reinstatement thereof.

(*h.*) Before giving any notice requiring the local authority to break up any carriageway or footway the Undertakers shall deposit with the treasurer of the local authority the sum of five hundred pounds which shall be placed by him with the bankers of the local authority and shall remain as a security to the local authority for the due performance by the Undertakers of their obligations to the local authority under this Order The local authority shall render to the Undertakers weekly accounts of expenditure incurred by them in the breaking up and reinstatement of streets for the purpose of the Undertakers' works as authorised by this Order and the Undertakers shall pay the amount of each such account to the treasurer of the local authority within seven days after receipt thereof Upon completion of all works for which any such notice shall have been given as aforesaid the said sum of five hundred pounds after satisfying all sums due to the local authority under this section shall be repaid to the Undertakers.

While any such payment is in arrear the local authority may recoup themselves out of the said deposit and they shall not be bound to commence or continue any work while any such payment is so in arrear or the deposit for the time being is less than five hundred pounds.

(*i.*) Subject as herein-after mentioned if any repairs are required to be done to the mains distributing mains service lines and other appurtenances laid as aforesaid in any street within the area of supply or if any such service line as is mentioned in sub-section (*c*) of this section is required to be laid the Undertakers shall give at least twenty-four hours notice in writing to the local authority stating the work requiring to be done and the local authority shall thereupon at the expense of the Undertakers cause the street to be opened for the purpose of allowing the repairs to be done or such service line to be laid by the Undertakers and the Undertakers shall immediately upon such street being opened commence the repairs or the laying of such service line and complete the same as quickly as possible and the local authority shall then reinstate the pavement.

(*j.*) If any breakage leakage or other accident shall occur to the mains distributing mains service lines and other appurtenances laid in any street within the area of supply so as to damage the pavements or other property of the local authority or to cause any interference or annoyance to the vehicular or foot traffic of such street then the Undertakers shall in cases of emergency immediately repair such breakage to the satisfaction of the local authority without waiting to serve a notice as provided by the last preceding sub-section but if the local authority shall themselves wish to open the streets for the purpose of the repairs or to reinstate the pavements after the repairs shall have been executed by the Undertakers they may do so at the expense of the Undertakers if such work shall not then have been completed by the Undertakers.

Upon any such breakage occurring the Undertakers shall at once send notice thereof to the local authority.

(*k.*) The Undertakers shall pay to the local authority all reasonable expenses of the repair of any road or pavement which shall have been broken up for the purpose of the work of the Undertakers incurred during six months after the same is restored so far as those expenses have been occasioned by such breaking up.

(*l.*) Nothing in this Order contained shall be construed so as to give the Undertakers a right to remove the mains distributing mains service lines and other appurtenances up to the line of private property when once they have been laid in any street within the area of supply.

(*m.*) Where any work of the Undertakers interferes with any tramway sewer drain pipe subway fitting or other work of the local authority the Undertakers shall comply with and conform to all reasonable directions and regulations of the local authority and before or during such interference the local authority may at the expense of the Undertakers in place of the works interfered with by the Undertakers provide where requisite such new altered or substituted works as the local authority may think necessary.

(*n.*) Nothing in this Order contained shall authorise the Undertakers to interfere with alter or remove any water pipe main or any valve stop-cock or other appliance incident thereto of the local authority except with their consent in writing and the Undertakers shall pay to the local authority any expenses which they may incur in connexion with or by reason of any such interference alteration or removal.

(*o.*) If the local authority shall require the position or level of any mains distributing mains service lines and other appurtenances of the Undertakers laid in any street to be altered they may alter the same at the expense of the Undertakers but before doing so the local authority shall if required by and at the expense of the Undertakers supply other good and sufficient mains distributing mains service lines and other appurtenances for continuing the supply of energy as sufficiently as the same was supplied through the mains distributing mains service lines and other appurtenances whose position or level is proposed to be altered and any new mains distributing mains service lines and other appurtenances required by the local authority for the purpose shall be supplied to them on request by and at the expense of the Undertakers.

(*p.*) The works of the Undertakers shall be liable to be rated for all rates in the same manner as gasworks.

(*q.*) If at any time hereafter the local authority shall construct any subway or tube or covered way for the purpose of receiving gas water or other mains or pipes or works in any street which is within the area of supply and in which mains distributing mains service lines and other appurtenances of the Undertakers are laid and shall by notice in writing served upon the Undertakers require that the mains distributing mains service lines and other appurtenances of the Undertakers shall be removed from their then position and laid in any such subway tube or covered way the Undertakers shall consent thereto and shall pay such proportion of the

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expense of constructing such subway tube or covered way as may be agreed upon or shall in case of difference be settled by arbitration and shall forthwith at their own expense proceed to remove and lay and thereafter maintain their mains or pipes in such subway tube or covered way in such position as the local authority may direct.

(*r.*) 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 local authority for any loss or any 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 are of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*s.*) Subject to the provisions and for the purposes of this Order the Undertakers and the local authority may enter into and carry into effect agreements with reference to the execution by the Undertakers of any portion of the work herein-before referred to.

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

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

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge 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 give him any such further information in relation thereto as he may desire.

(*b.*) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove of the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same,

(*d.*) If the Postmaster-General fails to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

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

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

(*a.*) One month before commencing the execution of any such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall in addition to any other notices which they may be required to give under this Order or the principal Act serve a notice upon the body or person liable to repair such street or part of a street or the body or person for the time being entitled to work such railway or tramway or the owners of such canal (as the case may be) in this section referred to as the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed

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and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street or part of a street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid any interference with any traffic so far as may be possible.

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

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

(*g.*) Where the repair renewal or amendment of any existing works of which the character or position is not altered will involve any interference with any railway level crossing or with any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to

any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*i.*) In the execution of any powers under this section the Undertakers shall be under the same restrictions as regards the local authority as are imposed on the Undertakers by virtue of the section of this Order whereof the marginal note is "Provisions in regard to the local authority."

Provided always that the provisions of this section shall not apply to any tramway belonging to the local authority or repairable by them unless the execution of the proposed works will interrupt the carrying on of the traffic on the said tramway by the lessees of the local authority.

Any body or person other than the local authority may give notice of desire to break up streets &c. on behalf of the Undertakers.

16. Any body or person other than the local authority for the time being liable to repair any street or part of a street or entitled to work any tramway (other than those tramways repairable by the local authority) which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels tramways or other works vested in or under the control or management of any such body or person other than the local authority and may amend or revoke any such notice by another notice similarly served Where any such body or person (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested :—

(*a.*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than forty-eight hours and not less than twenty-four hours 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.

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(*c.*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as regards the local authority and otherwise as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d.*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

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

Provided that nothing in this or the last preceding section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such

bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

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Provisions with regard to the Liverpool United Gas Light Company.

17. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works will involve the alteration of the position of any pipes of the Liverpool United Gas Light Company (herein-after in this Order called "the United Gas Company") the following provisions shall have effect:—

(1.) Before removing or displacing any main pipe plug or other work of the United Gas Company or doing anything which may cause any impediment to the passage of gas through any of the said mains or pipes the Undertakers shall at their own expense in all things provide and lay in lieu thereof and ready for use good and sufficient mains pipes plugs and other works proper and sufficient for continuing the supply of gas as sufficiently and satisfactorily as the same was supplied by the mains or pipes proposed to be removed or displaced and all such mains pipes and other works shall be laid and done under the superintendence and control and to the reasonable satisfaction of the said company's engineer and in such places position and manner in all respects as he shall require and approve and all such substituted mains pipes and other works shall belong to and be and become the absolute property of the United Gas Company.

(2.) The Undertakers shall make good all damage which may be done to any mains pipes works or other property of the said company and shall save them harmless from all expenses loss or damage to be occasioned by or by reason of the works authorised by this Order and shall make full compensation to the said company and to all other persons for any loss or damage which they respectively may sustain by reason of any interference with or disturbance of the said mains pipes or other works or with the private service pipes of any person or persons supplied with gas by the said company.

(3.) The Undertakers shall not remove or interfere with any main pipe or other work of the said company until they shall have given to the said company's engineer fourteen days' previous notice in writing of their intention so to do specifying all necessary particulars relating thereto nor until the said company shall have signified their approval of the same unless they do not signify such approval or their disapproval or other directions within fourteen days after service of the said notice and particulars and the Undertakers shall comply with and conform to all reasonable requirements directions and regulations of the said company in the execution of the said works and shall provide in such manner as the said company shall reasonably require for the protection of and prevention of injury or impediment to the mains pipes and other works of the said company.

As to alteration of pipes wires &c. under street.

18. The Undertakers may alter the position of any pipes wires or works other than those belonging to or under the control of the local authority or of the United Gas Company 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

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may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing any such alterations 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 alterations 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 give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as 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.

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(*f.*) Where any such statement as last aforesaid has been served upon the operators they shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.

(*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j.*) Any owners may if they think fit by any statement served by them under this section upon any operators 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 penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines &c. near those of gas or water power company or of Undertakers.

19. Whenever the Undertakers require to dig or sink any trench for laying down any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down any new mains or pipes other than service pipes or other apparatus near to which any electric 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

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referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days' notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officers to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or any such officer for the protection of every such pipe syphon electric line apparatus or work as aforesaid and for securing the same from injury and they shall also if required to do so by the owners thereof repair any damage that may be done thereto.

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

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

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

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

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas other than the United Gas Company the expression "water company" shall mean any body or person other than the local authority lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

Works not to be constructed in streets not repairable by local authority

20. The Undertakers shall not construct or lay down any structure or works (other than mains distributing mains service lines and distributing boxes) in

any streets not repairable by the local authority without the previous consent in writing of the local authority.

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21. The local authority may by notice in writing to the Undertakers direct that in executing any works (including the construction of street boxes) which will involve the placing or altering the position or removing of any mains distributing mains service lines and other appurtenances or the altering the position of any pipes wires or works in under along or across any street not repairable by the local authority the provisions of the section of this Order whereof the marginal note is "Provisions in regard to the local authority" or such of them as the local authority may determine shall have effect.

Local authority may direct that provisions of section 13 shall apply to execution of works in streets not repairable by local authority.

22. The Undertakers shall maintain and keep in repair to the satisfaction of the local authority all mains distributing mains service lines distributing boxes and other appurtenances whatsoever laid by them in upon or under the footways and carriageways of any street whether repairable by the local authority or not and the flagging and paving round the same If the flagging or paving round any such distributing boxes or other appurtenances in a street repairable by the local authority in the opinion of the city engineer requires repairs the local authority may execute such repairs as they may consider to be required at the expense of the Undertakers.

Undertakers to maintain mains &c. to satisfaction of local authority.

23. All expenses incurred by the local authority in or about or in relation to or in consequence of the laying down repair removal and alteration of the mains distributing mains service lines and other appurtenances of the Undertakers and the expenses of all works to be done by the local authority at the expense of the Undertakers and all other expenses payable by the Undertakers to the local authority shall except as by this Order otherwise provided be paid to the treasurer of the local autherity within one week after the local authority shall have served upon the Undertakers notice in writing requiring payment of such expenses.

Expenses incurred by local authority to be paid by Undertakers to treasurer of local authority.

The expenses payable by the Undertakers to the local authority under this Order shall unless otherwise agreed between the parties be calculated in accordance with a scale of charges which is to be agreed upon between the local authority and the Undertakers in the month of November in each year and which is to come into force on the succeeding first day of January and to continue in force for a period of twelve months And in case in any month of November the local authority and the Undertakers shall not have agreed upon such scale of charges tenders shall be asked from such persons as the local authority shall think fit and from such additional responsible and competent contractors if any as the Undertakers may nominate for all work to be done by the local authority at the expense of the Undertakers during the twelve months commencing on the succeeding first day of January and the same shall be carried out by the contractor whose tender is the lowest under a contract made with the local authority and the basis of tendering and all questions relating thereto and to the specification shall be settled in case the local authority and the Undertakers differ with regard thereto by the President for the time being of the Institution of Civil Engineers or some person nominated by him And in case of all work done under a tender obtained in accordance with this

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section the local authority shall be entitled to receive from the Undertakers in addition to all moneys properly expended upon the work a sum equal to 10 per cent. on the cost thereof for supervision and office charges in relation thereto For the purpose of this section the local authority and the Undertakers may tender for the work.

For protection of railway and canal companies.

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

For protection of telegraphic and telephonic wires.

25.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

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

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

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

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

Compulsory Works.

Mains &c. to be laid down in area specified in Second Schedule :

26. The Undertakers shall after the expiration of twelve months from the commencement of this Order lay down suitable and sufficient mains for the purposes of general supply through any street or part of a street specified in the Second Schedule hereto unless such mains have been already laid down therein upon receiving a notice in writing from the local authority requiring them to do so and within such reasonable time as the local authority may in each case specify and the Undertakers shall thereafter maintain the same.

And in remainder of the area of supply.

27. 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.

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

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As to laying of electric line under special agreement.

28. Twenty-eight days at the least before commencing to lay in any street any electric line which is intended for supplying energy to any particular consumer and not for the purposes of general supply the Undertakers shall serve upon the local authority and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid a notice stating that the Undertakers intend to lay such electric line and setting forth the effect of this section and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

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

29. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively they shall be liable to a penalty not exceeding five pounds in respect of each such default for each day during which such default continues and if the Board of Trade are of opinion in any case that such default is wilful and unreasonably prolonged they may after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply or if the Undertakers so desire may after having given an opportunity to the local authority to make representations and objections with reference thereto suffer the same to remain in force as to such area or part thereof subject to such conditions as they may think fit to impose and any conditions so imposed shall be binding on and observed by the Undertakers and shall be of the like force and effect in every respect as though they were contained in this Order Provided that the Board of Trade shall not revoke this Order as to part of the area of supply where the Undertakers make a representation that they desire to be relieved of their liabilities as respects the rest of the area of supply and in such case the Board of Trade shall not under this section revoke this Order otherwise than as to the whole of the area of supply.

Manner in which requisition is to be made.

30. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

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

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

Provisions on requisition by owners or occupiers.

31. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such

requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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

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

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

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

Provision on requisition by local authority.

32. 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

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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.

Supply.

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

33. The Undertakers shall upon being required to do so by the owner or occupier of any premises situate within twenty-five 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 thirty 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 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 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 become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

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

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

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

Maximum power.

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

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

Supply of energy to public lamps.

35. The Undertakers upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of fifty 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 require to be supplied.

Penalty for failure to supply.

36. 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

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shillings in respect of every such default for each day on which any such default occurs.

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

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

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

Price.

Methods of charging.

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

(1.) By the actual amount of energy so supplied; or

(2.) By the electrical quantity contained in such supply; or

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

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

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

Maximum prices.

38. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of

charge approved by the Board of Trade such price as the Board shall on approving such method determine.

Provided that if the local authority or the Undertakers shall at any time after the expiration of seven years after the commencement of this Order make a representation to the Board of Trade that the prices or methods of charge stated in the said schedule or approved by the Board of Trade ought to be altered the Board of Trade after such inquiry as they may think fit may make an order varying the prices or methods of charge stated in the said schedule or so approved as aforesaid or substituting other prices or methods of charge in lieu thereof and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order as if they had been stated in the said schedule Provided also that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of seven years after the same were last altered.

Other charges by agreement.

39. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Price to public lamps.

40. 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 all the circumstances of the case and the distributing or other mains which may have to be laid for the purpose and the prices charged to ordinary customers in the district but nothing herein contained shall affect the validity of any subsisting agreement between the local authority and the Undertakers.

Reduction of Price.

Reduction in price.

41. If in any year there shall be any surplus profits of the Company after payment of a dividend at the rate of seven per cent. per annum for that year upon the amounts credited as paid upon the shares of the Undertakers then one-half such surplus profits shall be applied in reducing the price to be charged for energy by the Undertakers in the next following year and so on from time to time and such reduction of price shall be made in such manner as the local authority shall in writing direct.

Audit.

Audit of Undertakers' accounts.

42. The local authority may appoint an auditor to audit the accounts of the Undertakers and the Undertakers shall give such auditor his clerks and assistants access to the books and accounts of the Undertakers and shall when required furnish to him or them all such vouchers and information as he or they may require for the purpose of the audit and shall afford to him or them all

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facilities for the proper execution of his and their duty If such auditor shall be of opinion that the accounts are incorrect in principle or in detail or that the provisions of this Order with regard to the prices to be charged for the supply of energy to consumers or otherwise are not being complied with he shall require the Undertakers to correct the accounts in such manner as he may think right and no dividend shall be declared by the Undertakers until such accounts have been corrected to the satisfaction of the auditor Provided always that the auditor may by certificate authorise the payment of such interim dividend pending the correction of the accounts as he may think fit and provided also that if the Undertakers shall consider any requirement of the auditor to be unreasonable or incorrect then the propriety or otherwise of such requirement shall be settled by arbitration.

As to reserve or depreciation fund.

43. If in the opinion of the local authority the amount at any time written off by the undertakers for depreciation or carried by them to reserve or depreciation fund is excessive and the Undertakers shall not after notice in writing from the local authority reduce such amount in accordance with the requirements of the local authority the question of the amount to be carried by the Undertakers to reserve or depreciation fund shall be referred to arbitration and the arbitrator shall have power to direct any part of the amount written off or of the reserve or depreciation fund as the case may be which is in excess of the requirements of the case to be applied in reducing the price charged by the Undertakers for energy or otherwise as he may think fit.

Electric Inspectors.

Appointment and duties of electric inspectors.

44. The local authority so long as they are not themselves the Undertakers for the purposes of this Order shall appoint one or more competent person or persons to be electric inspectors under this Order.

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

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

(*a.*) The inspection and testing periodically and in special cases of the Undertakers' electric lines and works and the supply of energy given by them;

(*b.*) The certifying and examination of meters; and

(*c.*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The local authority with the approval of the Board of Trade or the Board of Trade if the inspector is appointed by them may prescribe the manner in which and the times at which any such duties are to be performed by an electric inspector and also the fees to be taken by him and such fees shall be accounted

for and applied as may be directed by the local authority or the Board of Trade as the case may be.

Remuneration of electric inspectors.

45. The local authority 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 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 local authority and shall be carried by them to the credit of the local rate.

Notice of accidents and inquiries by Board of Trade.

46.—(1.) The Undertakers shall send to the Board of Trade notice of any accident by explosion or fire and also of any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury which may occur in any part of the Undertakers' works or their circuits or in connexion with the same and also notice of any loss of life or personal injury (if any) occasioned by any such accident Such notice shall be sent by the earliest practicable post after the accident occurs or as the case may be after the loss of life or personal injury becomes known to the Undertakers.

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

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

Testing and Inspection.

Testing of mains.

47. On the occasion of the testing of any electric line or work of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such

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testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

48. An electric inspector if and when required to do so by any consumer shall on payment by the consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing stations.

49. The Undertakers shall at such places within a reasonable distance from a distributing main establish at their own cost and keep in proper condition such reasonable number of testing stations as the local authority or where the local authority are the Undertakers as the Board of Trade shall deem proper and 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.

The Undertakers shall supply free of charge such amounts of energy as may be reasonably required for testing purposes under this Order including the testing of meters provided that the amount so to be supplied for the testing of any one meter shall not exceed three units as defined in the Fourth Schedule.

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

Undertakers to keep instruments on their premises.

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

Readings of instruments to be taken.

51. 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 examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed and any readings so recorded shall be receivable in evidence.

Electric inspector may

52. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations street boxes and

premises of the Undertakers for the purpose of inspecting and 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.

test Undertakers' instruments.

53. 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.

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

Undertakers to give facilities for testing.

55. 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 such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against 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.

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

Expenses of electric inspector.

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

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

Meters.

57. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this

Meters to be used except by agreement.

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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 a correct meter and if the construction and pattern of any meter has been approved by the Board of Trade for the purposes of this Order to be of such construction and pattern and to have been properly fixed and connected with the service lines and every such meter is in this Order referred to as a "certified meter" and the production of a certificate under the hand of the electric inspector shall be evidence of the facts stated therein until the contrary is shown Provided that where any alteration is made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meter.

59. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

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 any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises at all reasonable times and execute all necessary works and do all necessary acts Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor or (if he desire to hire such meter) may require him to enter into an agreement for the hire of such meter as herein-after provided.

Meters not to be connected or disconnected without notice.

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.

Consumer to keep his meter in proper order.

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

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

Powers 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 for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meter let for hire in repair.

64. The Undertakers shall unless the agreement for hire otherwise provides at all times at their own expense keep all meters let for hire by them to any consumer whereby the value of the supply is ascertained in proper order for correctly registering 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 local authority are the consumers by an inspector to be appointed by the Board of Trade who shall have power upon such evidence as is brought before him to certify the value of the supply which should have been registered by such meter and thereupon the same shall be deemed to have been so registered and who shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of 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

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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.

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

Maps.

Map of area of supply to be made.

68. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all the existing mains and underground works other than service lines The said map and sections shall be made on such scale or scales as the Board of Trade shall prescribe.

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

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

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

Power to the Local Authority to purchase Undertaking.

Power to Corporation of Liverpool to purchase undertaking.

69.—(1.) If the local authority shall give to the Undertakers such notice as herein after specified requiring the Undertakers to sell on the 30th day of June

1900 or on the 30th day of June in any subsequent year or in any earlier year which may be agreed upon between the local authority and the Undertakers the undertaking authorised by this Order (herein-after in this section referred to as "the undertaking") the Undertakers shall sell and the local authority shall purchase "the undertaking" as a going concern severed from any other undertaking or business of the Undertakers.

(2.) Such notice shall be in writing under the common seal of the local authority and shall unless the local authority and the Undertakers otherwise agree be given to the Undertakers not less than 12 months nor more than 18 months before the 30th day of June on which the purchase is to take effect provided that the local authority and the Undertakers may if they think fit agree that the purchase shall take effect on some date other than the 30th of June in any year.

(3.) The compensation to be paid by the local authority shall be such as may be agreed on between the local authority and the Undertakers or as failing agreement shall be settled by arbitration in accordance with the provisions of the Lands Clauses Consolidation Acts with respect to the settlement of questions of disputed compensation and for the purposes of such arbitration the said provisions shall be deemed to be incorporated herewith and in the construction of the said provisions the expressions "the promoters of the undertaking" and "lands" shall mean respectively the local authority and the undertaking and the expression "other lands" shall include any undertaking or business of the Undertakers other than the undertaking and this Order shall be deemed to be the special Act for the purpose of such compensation and such notice as herein provided shall be deemed to be in execution of the Lands Clauses Consolidation Acts and of this Order as the special Act Provided nevertheless that the arbitrator or umpire in such arbitration shall not unless the local authority and the Undertakers otherwise agree sit for hearing the case before the 31st March preceding the expiration of the said notice and the arbitrator's or umpire's time for making his award shall commence to run as from such 31st day of March.

(4.) After the service of such notice the Undertakers from time to time shall give the local authority access to their books or other documents relating to the undertaking and also to those relating to any other undertaking or business of the Undertakers.

(5.) Unless the local authority and the Undertakers otherwise agree the local authority shall take possession of the undertaking upon the 30th day of June or other agreed date to which such notice as aforesaid shall relate and on that date the undertaking shall by virtue of this Order become vested in and be the property of the local authority subject except as between the Undertakers and the local authority to all debts mortgages or liabilities of the Undertakers affecting the same and the local authority shall thereupon be the Undertakers in relation thereto and the powers of the Undertakers in relation to the supply of energy within the area of supply shall cease and determine and shall vest in and be exercised by the local authority.

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(6.) For the purposes of this section the undertaking shall include all works engines mains plant machinery wires apparatus buildings lands easements powers rights authorities and privileges of the Undertakers possessed held used or enjoyed by them for or as part of or in connexion with the undertaking but the local authority and the Undertakers may agree or the arbitrator or umpire may in his award determine that any lands buildings machinery or plant used by the Undertakers for purposes other than those of the undertaking shall be retained by the Undertakers on such terms and conditions as may be agreed or determined as aforesaid.

(7.) Any lands building machinery or plant so transferred to the local authority which may not be required for the purpose of the undertaking may be sold by the local authority as and when they may think fit and any moneys to arise from such sale shall be applied by them in repaying any money borrowed for the purposes of the purchase authorised by this section or in the construction of other works in connexion with the undertaking.

(8.) The local authority shall take over and perform all contracts for the supply of energy within the area of supply entered into by the Undertakers in the ordinary course of business and current at the date of purchase and upon the undertaking being transferred to them as aforesaid the local authority shall have the same power for recovering any sums owing to the Undertakers at the date of such transfer in respect of the undertaking as the Undertakers would have had if the transfer had not been made.

(9.) The provisions of section two of the Electric Lighting Act 1888 shall not apply to a purchase under this section but nothing in the preceding provisions of this section shall in any way limit or affect the operation of that section at the expiration of 42 years from the commencement of this Order if the powers of this section have not been theretofore exercised.

Special Provisions in case of Transfer.

Application of revenue.

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

(A.) All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows:—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the Undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

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

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

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one-tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the borough and public benefit of the inhabitants or in reduction of the capital moneys borrowed for electricity purposes.

Provided always that if the surplus in any year exceed five per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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

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

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

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

Purchase and use of lands.

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

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

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lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Provided also that the Undertakers shall not purchase or acquire for the purposes of this Order ten or more houses which on the fifteenth day of December last before the transfer of the undertaking to the local authority were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Incorporation of s. 265 of Public Health Act 1875.

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

Prospective repeal of sections of this Order

73. From and after the date on which any purchase of the undertaking by the Corporation takes effect this Order shall be repealed to the extent specified in the Fifth Schedule to this Order Provided that so long as Toxteth Park shall remain a separate Local Government District the sections mentioned in that schedule shall remain in force within that district.

Notices &c.

Notices &c. may be printed or written.

74. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the local authority the signature thereof by the town clerk or city engineer shall be sufficient authentication.

Service of notices &c.

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

(*a.*) In the case of the Board of Trade the office of the Board of Trade;

(*b.*) In the case of the Postmaster-General the General Post Office;

(*c.*) In the case of any county council the office of such council;

(*d.*) In the case of the local authority the Municipal Offices Liverpool;

(*e.*) In the case of the Undertakers or any other company having a registered office the registered office of the Undertakers or such company;

(*f.*) In the case of a company having an office or offices but no registered office the principal office of that company;

(*g.*) In the case of any other person the usual or last known place of abode or business of such person.

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 it on some conspicuous part of the premises.

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

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

76. If at any time after the commencement of this Order the Board of Trade have reason to believe 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 may after such inquiry as they may think necessary and after considering any representations of the local authority revoke this Order as to the whole or with the consent of the Undertakers as to any part of the area of supply.

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

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

Revocation of Order with consent.

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

Provisions where Order revoked.

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

(*a.*) The Board of Trade shall serve a notice of such revocation upon the Undertakers and upon the local authority and shall in such notice fix a

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date at which such revocation shall take effect and from and after such date all the powers and liabilities of the Undertakers under this Order for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

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

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

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

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

the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

(*c*.) 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 arbitration.

General.

Remedying of system and works.

80. If at any time it is established to the satisfaction of the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or except in accordance with the provisions of this Order have permitted any part of their circuits to be connected with earth or placed any electric line above ground or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of 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 specify the matter complained of and require the Undertakers to abate or discontinue the same within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

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

Publication of regulations.

81. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in

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force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and a true copy thereof certified by or on behalf of the Undertakers shall be forthwith served upon the local authority and like copies shall also be kept by the Undertakers at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

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

Nature and amount of security.

82. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

83. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or assistant secretary of the Board.

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

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

Approval or consent of Board of Trade.

84. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit.

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

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

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

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

86. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers notice of such application shall be served on the local authority by the Undertakers and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

87. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

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

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

Undertakers to be responsible for all damages.

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

Undertakers to indemnify local authority and its officers against claims by owners &c

89. The Undertakers shall also indemnify and save harmless the local authority and its officers from and against all claims or actions for damage or compensation which may or can be made by any owner lessee or occupier of property abutting on to the street or portion of the street within the area of supply in which the undertakers require mains distributing mains service lines or other appurtenances to be laid by reason of the works so to be executed by the local authority damaging or otherwise interfering with the property of such owner lessee or occupier.

As to mortgages.

90. 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

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any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being sold or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving for Liverpool United Gas Company.

91. Nothing in this Order shall affect any rights or powers vested in the Liverpool United Gas Light Company by the Liverpool United Gas Light Company's Act 1848 and the other Acts relating to the said company nor affect the powers of the said company and of the Undertakers respectively under section 15 of the Electric Lighting Act 1882.

Saving for Postmaster-General.

92. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1892 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving as to River Mersey.

93. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Mersey or the navigation thereof or affect in any manner the rights powers or privileges of the conservators of the said river.

Undertakers not exempted from proceedings for nuisance.

94. 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 or permitted by them.

Provision as to general Acts.

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

Removal of existing overhead wires.

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

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

Repeal of Orders of 1891 and 1892.

97. The Liverpool Electric Lighting Orders 1891 and 1892 and the Toxteth Park Electric Lighting Order 1891 are hereby repealed as from the commencement of this Order but this repeal shall not affect anything done or suffered under the said Orders respectively or any right or liability of the Undertakers or any other person arising out of anything so done or suffered as aforesaid.

SCHEDULES.

FIRST SCHEDULE.

The area of supply shall include the following portions of the city of Liverpool and of the local government district of Toxteth Park namely :—

So much of the city of Liverpool and of the local government district of Toxteth Park in the county of Lancaster as is surrounded by a line drawn from the west end of Queen Street in the city of Liverpool through Queen Street Oldhall Street Great Howard Street Leeds Street Vauxhall Road Midghall Street Marybone Standish Street Great Crosshall Street Byrom Street Hunter Street Christian Street Islington Moss Street Boundary Place Crown Street Grove Street Falkner Square (east side of) Grove Street Mulgrave Street Princess Avenue Croxteth Road Ullet Road Greenbank Drive Mossley Hill Drive Aigburth Road Ullet Road Belvidere Road Devonshire Road Prince's Road Upper Parliament Street Hope Street Upper Duke Street Duke Street Hanover Street Canning Place (south and west sides) Strand Street Back Goree George's Dock Gates New Quay where it again joins Queen Street including the houses and buildings on each side forming part of the said streets avenues drives roads and places so far as the same are within the said city and district.

Provided that in case of difference between the above description and the area delineated upon the deposited map the latter shall prevail.

SECOND SCHEDULE.

List of streets and parts of streets throughout which the Undertakers are to lay distributing mains after a period of twelve months from the commencement of this Order upon receiving notice from the local authority :—

Croxteth Road and Ullet Road Alexandra Drive Parkfield Road Linnet Lane Lark Lane (all in Toxteth Park) and the streets falling within so much of the city and parish of Liverpool as is surrounded by a line drawn from the west end of Chapel Street through Chapel Street Oldhall Street Great Howard Street Leeds Street Vauxhall Road Midghall Street Marybone Standish Street North Street Dale Street Byrom Street Hunter Street Mill Lane Islington Moss Street Boundary Place Pembroke Place London Road Lime Street Ranelagh Place Mount Pleasant Oxford Street Abercromby Square north side and east side Chatham Street Falkner Street Grove Street Falkner Square east side and south side Huskisson Street Hope Street Upper Duke Street Berry Street Seel Street College Lane Paradise Street Hanover Street Canning Place south side and west side Strand Street Back Goree George's Dock Gates where it again joins Chapel Street.

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THIRD SCHEDULE.

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

(*a*) Streets:

Davies Street Sandon Terrace Gambier Terrace Alexandra Terrace Sunnyside Princes Park Terrace Rumford Court Rumford Place Orange Court Union Court Old Church Yard Molyneux Place Cul-de-sac off Tower Garden Princes Street the passage leading from Hadwen's Buildings into Highfield Street the subway under the Exchange station of the Lancashire and Yorkshire Railway forming a continuation of Prussia Street Wellesley Terrace All the roads drives and paths within Princes Park Normanton Avenue All the roads drives and paths within Sefton Park.

(*b*) Railways:

None.

(*c*) Tramways.

The tramways owned and repaired by the local authority and occupied by the Liverpool United Tramways and Omnibus Company.

FOURTH SCHEDULE.

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

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the rate of eightpence per unit.

Section 2.

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

FIFTH SCHEDULE.

SECTIONS OF THIS ORDER PROSPECTIVELY REPEALED.

Section 8.
Section 12 the proviso to the first paragraph and the last paragraph.
Section 13.
Section 15 sub-section (*i*).
Section 16 sub-section (*h*).
Sections 20 to 23.
Section 32.
Section 35.
Section 36 second paragraph.
Section 38 second paragraph.
Sections 40 to 43.
Section 69.
Section 76.
Section 79 sub-sections (*b*) and (*c*) and the rest of the section so far as relates to the local authority.
Section 86.
Sections 89 and 90; and
So much of the rest of the Order as requires any consent or concurrence of the local authority or as regards any notice or other document to be served upon the local authority.

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