CHAPTER clxxiv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birmingham, Liverpool, and Swansea. [12th August 1889.]

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

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

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

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

Short title.

1. This Act may be cited as the Electric Lighting Orders Confirmation Act, 1889.

Confirmation of Orders in schedule.

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

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SCHEDULE.

LIST OF ORDERS.

1. BIRMINGHAM.—Provisional Order under the Electric Lighting Acts 1882 and 1888 granted by the Board of Trade to Arthur Chamberlain and George Hookham.

2. LIVERPOOL.—Provisional Order under the Electric Lighting Acts 1882 and 1888 granted by the Board of Trade to the Liverpool Electric Supply Company Limited.

3. SWANSEA.—Provisional Order under the Electric Lighting Acts 1882 and 1888 granted by the Board of Trade to the Mayor Aldermen and Burgesses of the borough of Swansea in the county of Glamorgan.

BIRMINGHAM ELECTRIC LIGHTING.

Provisional Order under the Electric Lighting Acts 1882 *and* 1888 *granted by the Board of Trade to Arthur Chamberlain and George Hookham.*

Preliminary.

Short title. 1. This Order may be cited as the Birmingham Electric Light and Power Order 1889.

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

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

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

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

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

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

The expression "general supply" shall mean the 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 the "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 "Schedule A" "Schedule B" and "Schedule C" shall mean the Schedules A B and C to this Order annexed respectively.

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

Address and Descriptions of the Undertakers.

Address and description of Undertakers. 4. The Undertakers for the purpose of this Order are Arthur Chamberlain and George Hookham of New Bartholomew Street Birmingham electrical

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engineers but it is hereby provided that none of the powers conferred by this Order in relation to works or otherwise shall be exercised unless and until the undertaking has been transferred to a company duly constituted under the Companies Acts 1862 to 1880 or by a special Act of Parliament and having a capital of not less than fifty thousand pounds and upon the transfer of the undertaking to such company that company shall be the Undertakers for the purposes of this Order.

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

Area of Supply.

Area of supply.

5. The area within which the Undertakers are authorised to supply energy under this Order shall be the whole of the area included in Schedule A (which said area is more particularly delineated upon the map deposited at the Board of Trade by the Undertakers together with this Order and thereon coloured red).

Capital.

Separate capital for undertaking.

6. The capital of the Undertakers (being such company as is above mentioned) for the purposes of this Order shall be not less than fifty thousand pounds and the Undertakers within one year from the commencement of this Order and before exercising any of the powers conferred on them in relation to the execution of works shall by special resolution cause such capital to be appropriated as a separate capital for the purposes of the undertaking.

If the Undertakers fail to cause the above-mentioned capital to be subscribed and appropriated as a separate capital for the purposes of the undertaking in accordance with the provisions of this section the Board of Trade may revoke this Order upon such terms as they think just.

Deposit.

7. The Undertakers shall within one year after the commencement of this Order or such extended period as may be approved by the Board of Trade and before exercising any of the powers by this Order conferred on them in relation to the execution of works deposit or secure to the satisfaction of the Board of Trade a sum of two thousand pounds.

If the Undertakers fail to deposit or secure the said sum of two thousand pounds in accordance with the provisions of this section the Board of Trade may after hearing any representations which the local authorities may think fit to make revoke this Order as to the whole or with the consent of the Undertakers any part of the area affected thereby upon such terms as they may think just.

Any sum deposited or secured by the Undertakers under the provisions of this section shall be repaid or released to them from time to time in sums of not less than five hundred pounds when and so soon as it may be certified by an inspector to be appointed by the Board of Trade that amounts equal to the sums so to be released or repaid have been expended by the Undertakers upon works executed for the purposes of the undertaking or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street and part of a street in the area mentioned in Schedule A or at such earlier dates and

by such instalments as may from time to time be approved of by the local authority.

Separate capital to be applied for purposes of undertaking.

8. The Undertakers shall except with the special approval of the Board of Trade to be previously given at all times cause such capital as may have been appropriated as a separate capital for the purposes of the undertaking under the provisions of this Order to be kept appropriated for the said purposes and shall keep accounts thereof distinct from the accounts kept by them in respect of any other undertaking.

If the Undertakers make default in complying with any of the requirements of this section in respect of the appropriation of any capital for the purposes of the undertaking this Order may be revoked by the Board of Trade if they think fit upon such terms as they may think just.

Nature and Mode of Supply.

System 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 (specified in Schedule A) for all public and private purposes as defined by the said Act provided as follows :—

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

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

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

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

Works.

Powers for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time exercise within the area of supply all or any of the

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powers conferred on them by this Order and the principal Act and may break up or otherwise interfere with so much of the streets specified in Schedule B and not repairable by the local authority as may for the time being be included in the area of supply and they may from time to time construct distributing boxes in any street for the purpose of supplying energy.

Every such distributing box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the conditions of the mains or other portions of the electric lines or 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 and may maintain and use the same.

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

11. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing boxes) will involve the placing of any works in over along or across any street repairable by the local authority or any public bridge the following provisions shall have effect:—

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General and the local authority describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by the Postmaster-General or the local authority from time to time give him or them any such further information in relation thereto as he or they may desire. Provided that in calculating the above-mentioned period of one month no part of the month of August shall be included.

(*b.*) The Postmaster-General or the local authority may in his or their discretion approve of any such works or plan with or without any amendments or alterations or disapprove the same and may give notice to the Undertakers of such approval or disapproval.

(*c.*) Where the Postmaster-General or the local authority disapprove of any such works or plan the Undertakers may appeal to the Board of Trade against such disapproval and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan with or without any amendments or alterations or disapprove the same provided that nothing in this Order shall authorise the Undertakers to place any electric line above ground along over or across any street without the express consent of the local authority.

(*d.*) If the Postmaster-General or the local authority fail to give any such notice of approval or disapproval to the Undertakers within three weeks after the service of the notice upon them he or they shall be deemed to have approved such works or plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by

the Postmaster-General and the local authority or by the Board of Trade as above mentioned under this Order; but where any such works and such plans are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such plan, subject in all respects to the provisions of this Order and of the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General and the local authority for any loss or damage which he or they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case 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.

For the purposes of this Order the word "plan" shall be held to mean plan and section drawn to a horizontal scale of at least one inch to 88 feet and a vertical scale of at least one inch to 10 feet and such detail plan and section with such drawings and specification as may be necessary.

As to breaking up private streets and tramways.

12. 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 over along or across any street or part of a street not repairable by the local authority or over or under any railway canal or tramway 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 entitled to work such railway canal or tramway as the case may be (in this section referred to as the "owners") describing the proposed works and stating the amount of compensation proposed to be made in respect thereof and the manner in which such compensation is proposed to be paid or secured together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and the manner in which it is intended that such street or tramway is to be broken up or interfered with and shall upon being required to do so by any such owners from time to time give them any such further information in relation thereto as they may desire.

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

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

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by arbitration; and thereupon such question shall be settled by arbitration accordingly.

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

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

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case 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.

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

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

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

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than 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.

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

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

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such offence continues.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily before any court of summary jurisdiction which court shall have power to determine the amount thereof.

(*h.*) The givers of the notice may from time to time if they think fit require the Undertakers to give them such security for the repayment to them of any expenses incurred by them under this section as may be agreed upon between them and the Undertakers or in default of agreement as may be determined by arbitration. If the Undertakers fail to give any such security within seven days after being required to do so or in case of difference after the delivery of the abitrators' award they shall not be entitled to serve

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any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or any such tramway as in this section mentioned.

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

14. The Undertakers may from time to time alter the position of any pipes not forming part of any main sewer of the local authority or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a.*) One month before commencing any such alteration the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alteration and stating the amount of compensation proposed to be made in respect thereof and the manner in which such compensation is proposed to be paid or secured together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners from time to time give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question 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 pipe wire electric line or work is used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure in the manner

proposed by them or settled by arbitration as aforesaid may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon the operators stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

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

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

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

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under the last preceding sub-sections shall be repaid to them by such operators and may be recovered summarily before any court of summary jurisdiction who shall have power to determine the amount thereof.

(*j.*) Any owners may if they think fit by any statement served by them upon any operators under this section require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be agreed upon between such owners and operators or in default of agreement as may be determined by arbitration 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

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in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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

15. 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 sewer drain watercourse or any main branch or service pipe for the supply of gas or water belonging to the local authority has been lawfully placed or where the local authority 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 the local authority (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested give to the local authority or to the Undertakers (as the case may be) in this section referred to as "the owners," not more than forty-eight hours and not less than twenty-four hours notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the digging or sinking of such trench and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for the protection of every such sewer drain watercourse pipe electric line or work 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.

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 or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case are of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the sewer drain watercourse pipe electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For protection of telephone companies &c.

16. Seven days before commencing to lay down any electric line or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall unless otherwise agreed between the parties interested give to the body or person for the time being entitled to such wires or lines notice in writing specifying the course, nature, and gauge of such electric line and the

amount and nature of the current intended to be sent along the same: and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

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

If any difference arises between any such body or person and the Undertakers with respect to anything in this section or section 9 sub-section 2 contained such difference shall be determined by arbitration.

Compulsory Works.

Mains &c. to be laid down in area included in Schedule A.

17. The Undertakers shall within a period of three years after the commencement of this Order erect or lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street and part of a street in the area mentioned in Schedule A to this Order and shall thereafter maintain the same.

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

18. If the Undertakers make default in erecting or laying down any mains in accordance with the provisions of the last preceding section within the period prescribed in that behalf or if the Undertakers shall not within such period have commenced to supply energy or be in a position to commence such supply the Board of Trade may upon the application of the local authority revoke this Order as to the whole or with the consent of the Undertakers any part of the area affected thereby 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.

Maps.

Map &c. of area of supply to be made.

19. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map and section to be made of the area of supply on a hori-

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zontal scale of one inch to 88 feet and a vertical scale of one inch to 10 feet and shall cause to be marked thereon the line of all their then existing mains service lines and other underground works and distributing boxes and shall once in every year cause such map and section to be corrected and such additions to be made thereto as will show the line of all their then existing mains service lines and other underground works and distributing boxes.

Deposit and inspection of maps.

20. Every map and section so made or corrected for the Undertakers or a copy thereof with the date expressed thereon of the last time when it was so corrected shall be kept by the Undertakers at their principal office within the area of supply and a copy of every such map and section shall within one month after such map or section is made or corrected be served by the Undertakers upon the Board of Trade and upon the Postmaster-General and upon the local authority.

Every copy of the said map and section as last corrected which may be served upon the local authority shall be kept by them at their office and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The local authority may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map or section or copy and such further fee not exceeding one shilling for each copy of the same or any part thereof taken by such applicant as they may from time to time prescribe.

Penalty on Undertakers in respect of maps &c.

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

Testing.

Appointment of electric inspectors by local authority.

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

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

23. 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 person supplied with energy by the Undertakers within the area of supply or of the Undertakers may from time to time appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors for the purposes aforesaid.

Remuneration of electric inspectors.

24. 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 from time to time determine and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order as may be settled by the authority by whom such remuneration is determined. Provided that where any such

remuneration is settled to be in substitution for such fees as aforesaid such fees shall in lieu of being paid to such electric inspector for his own use be due and paid to him on behalf and for the use of the local authority and shall be carried by them to the credit of the local rate.

Testing of main.

25. Every electric inspector if and when required to do so by the authority by whom he is appointed shall from time to time test for insulation and conductivity any portion of any main of the Undertakers within the area of supply through which energy is or is intended to be supplied by them: Provided that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of service lines.

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

Mode of testing.

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

Undertakers to establish testing places and keep instruments.

28. The Undertakers shall establish at their own cost and keep in proper condition within such reasonable distance from any distributing main as the local authority think fit such reasonable number of testing stations as the local authority shall deem to be 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 for the purpose of testing such supply and the Undertakers shall connect such stations by means of proper and sufficient service lines with such main at their own expense and shall supply energy thereto for the purpose of such testing free of charge.

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.

29. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be from time to time approved of or prescribed by the Board of Trade and shall from time to time take and

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

Readings of instruments to be taken.

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

Electric inspector may test Undertakers instruments.

31. Any electric inspector appointed under this Order shall have the right to have access at all reasonable hours to the testing stations and premises of the Undertakers for the purpose of testing the electric lines and instruments of the Undertakers and ascertaining if the same are in order and in case the same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

32. The Undertakers may if they think fit on each occasion of such testing of any main or service line or the testing or inspection of any instruments of the Undertakers by an electric inspector be represented by some officer or other agent but such officer or agent shall not interfere in the testing or inspection.

Report of results of testing.

33. 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.

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

Expenses of testing.

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

Undertakers to give facilities for testing.

35. The Undertakers shall afford all facilities for the proper execution of this Order with respect to testing, and the reading and inspection of instruments, and shall comply with all the requirements of or under this Order in that behalf; and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding one pound for every day after the first day during which such offence continues.

Remedying of defects in mains.

36. If at any time it appears to the Board of Trade that any mains electric lines or works of the Undertakers are defective and not in accordance with the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this license the Board of Trade may by order in writing require the Undertakers to remedy such defect so as to comply with such regulations and conditions within such period as may be therein limited in that behalf and if the Undertakers make default in remedying such defect within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues. Provided that if such defect is in the opinion of the Board of Trade dangerous to public safety they may also by any such order as aforesaid forbid the use of such main electric line or work as from such date as may be specified in that behalf until the defect is remedied and if the Undertakers make use of any such main 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.

Supply.

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

37. The Undertakers shall upon being required so to do 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 a current 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 current 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 line as may be laid for a greater distance than thirty feet from any distributing main of the Undertakers although not on such property shall 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 :

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 rent payable 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

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than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric line required to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) reasonable security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

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

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 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.

If any difference arises between any such owner or occupier and the Undertakers as to the reasonableness of the amount of any security required to be given or as to the sufficiency of any security offered under this section such difference shall be determined by arbitration.

Maximum power.

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

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

Supply of energy to public lamps.

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

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Penalty for failure to supply.

40. Whenever the Undertakers make default in giving a supply of energy to any owner or occupier of premises to whom they may be and are required to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day upon which any such default occurs.

Whenever the Undertakers make default in supplying energy to all or any of 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 upon 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 are 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 or where such court are of opinion that such default was not wilful on the part of the Undertakers or due to any wilful negligence on the part of the Undertakers or any of their officers or servants or that all reasonable precautions have been taken by the Undertakers to prevent the occurrence of such default.

Price

Methods of charging.

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

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

(2.) By the electrical quantity contained in such supply or unless the Board of Trade from time to time otherwise direct

(3.) By the number of hours during which the supply of energy is actually used by such consumer and the maximum power with which he is for the time being entitled to be supplied.

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

Provided also that where the Undertakers have given notice to any consumer of charging him by the number of hours and the maximum power in manner above described such consumer if he objects to that method of charge may by one month's notice in writing require the Undertakers to charge him by the

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actual quantity of energy supplied to him and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Maximum prices.

42. The prices to be charged by the Undertakers for electricity supplied by them shall not exceed those stated in that behalf in Schedule C in the first second and third sections thereof respectively.

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

Other charges by agreement.

43. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned in cases where he is entitled to require a supply the Undertakers may make any agreement with the 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.

44. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps and the mode in which such charges shall be ascertained shall be settled by agreement between the local authority and the Undertakers and in case of difference by arbitration regard being had to the circumstances of the case and the distributing or other mains (if any) which may have to be laid for the purpose and the prices charged to ordinary consumers in the district.

Meters.

Meters to be used except by agreement.

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

Meter to be certified.

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

Fees for certifying meters.

47. Every electric inspector who may be required by the Undertakers or by any consumer to examine any meter for the purpose of certifying the same as a

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

Undertakers to supply meters.

48. 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 and any electric inspector to enter upon such premises and execute all necessary works and do all necessary acts provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor if he desires to purchase the same or to enter into an agreement for the hire of such meter as herein-after provided if he desires to hire such meter and also to pay to them a reasonable sum in respect of the expenses of fixing such meter and connecting it with the service lines and procuring the same to be certified under this Order. If any difference arises between the Undertakers and any consumer under this section such difference shall be determined by arbitration.

Meters not to be connected or disconnected without notice.

49. No meter used or to be used under this Order for ascertaining the value of the supply shall be connected with or disconnected from any electric line through which energy is supplied by the Undertakers except by the Undertakers and their servants and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any meter at all reasonable times.

Consumer to keep his meter in proper order.

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

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

Power to the Undertakers to let meters.

51. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such reasonable 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 as may be

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agreed upon between the hirer and the Undertakers and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

52. The Undertakers shall 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.

53. 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 the electric inspector who shall also order by which of the parties the costs of the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

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

54. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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

55. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply as between himself and the Undertakers the Undertakers may from time to time place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power of such supply or any other quantity or time connected therewith: Provided that such meter shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved 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 poles on the consumer's premises at which the supply is given.

Notices, &c.

Notices &c. may be printed or written.

56. 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 borough surveyor shall be sufficient authentication.

Service of notices, &c.

57. 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 the local authority the Council House Birmingham;

(*d.*) In the case of the county council or the justices of the peace for any county the office of the clerk of the peace;

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

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

(*g.*) In the case of the Undertakers the registered or principal office of such Undertakers;

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

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

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing the notice on some conspicuous part of the premises.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

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

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

59. 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 and after hearing any representations which the local authority think fit to make revoke

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this Order as to the whole or with the consent of the Undertakers any part of the area affected thereby.

Revocation of Order with consent.

60. 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.

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

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

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

(*c.*) Where no purchase is effected by the local authority under the provisions of the last sub-section and any company or person is willing to purchase the undertaking or such part of it as aforesaid the Board of Trade if they think fit may with the consent of the local authority and the Undertakers direct that the undertaking or such part thereof as aforesaid shall be transferred to such company or person and thereupon on the payment of the price of the same the undertaking or such part thereof as aforesaid shall be so transferred.

(*d.*) Where any purchase is effected or any transfer is directed under the preceding provisions of this section the undertaking or part thereof so purchased or transferred shall vest in the purchasers or transferees thereof freed from any debts mortgages or similar obligations of the Undertakers or attaching to the undertaking and the revocation of this Order as to the whole of the area affected thereby or such part thereof as aforesaid shall extend only to the revocation of the rights powers authorities duties and obligations of the Undertakers from whom the undertaking or such part thereof as aforesaid is purchased or transferred in relation to the supply of energy within such area or part thereof and save as aforesaid this Order shall remain in full force within such area or part thereof in favour of the local authority company or person by or to whom such undertaking or part thereof is purchased or transferred as aforesaid.

(*e.*) Where no purchase has been effected and no transfer has been directed under the preceding provisions of this section the local authority and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay

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

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

(*f*.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid or the exercise of any powers by this Order granted to the Undertakers or for any expenses to which such local authority body or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order such compensation shall be a first charge on any money that may have been deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers and such money shall be applied rateably in satisfying such claims and in every such case the amount of compensation to be paid in respect of the various claims and the persons to whom it is to be paid shall be determined by an arbitrator to be appointed by the Board of Trade whose decision shall be final and binding on all parties.

General.

Nature and amount of security.

62. Where any consumer is required under this Order to give security to the Undertakers such security may be by way of deposit or otherwise and of such amount as he and the Undertakers agree on 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 Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Suspension of obligations of Undertakers by Board of Trade.

63. The Board of Trade may from time to time upon the application of the Undertakers and upon such conditions (if any) as the Board of Trade think just by order suspend or modify any obligation of the Undertakers with respect to the supply of energy under this Order for any period as to the whole or any part of the area of supply.

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Proceedings where approval of Board of Trade is required.

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

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

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

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

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

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

67. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers or to suspend or modify any obligation of the Undertakers under this Order 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 of penalties.

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

Undertakers to be responsible for all damages.

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

As to mortgages.

70. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking or any part thereof under

section two of the Electric Lighting Act 1888 or under this Order and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased or transferred as aforesaid and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving rights of the Crown.

71. Nothing in this Order shall extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving clause for Postmaster-General.

72. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not to be exempted from proceedings for nuisance.

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

Provision as to general Acts.

74. Nothing in this Order shall except or 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 or to undertakers or undertakings authorised for the purposes of the supply of energy which may be passed in this or any future session of Parliament.

SCHEDULES.

SCHEDULE A.

So much of the borough of Birmingham as lies within the line formed by the following streets or parts of streets namely—

From the junction of Edmund Street and Easy Row along Edmund Street to its junction with Livery Street and thence along Livery Street to its junction with Colmore Row and thence along Colmore Row to its junction with Bull Street and thence along Bull Street to its junction with the Minories and thence along the Minories to its junction with the Old Square and thence round the Old Square to the corner of the Upper Priory and thence continuing round the Old Square down Corporation Street to its junction with Lawrence Street and thence back along Corporation Street to its junction with Bull Street and thence along Bull Street to its junction with Albert Street and thence along Albert Street to its junction with Fazeley Street and thence along Fazeley Street to its junction with New Canal Street and thence along New Canal Street to its junction with Bordesley Street and thence along Bordesley Street to its junction with Park Street thence along Park Street to its junction with Paternoster Row thence along Paternoster Row to its junction with Moor Street thence along Moor Street to its junction with Carrs Lane thence along Carrs Lane to its junction with High Street thence along High Street and down the Bull Ring to its junction with Moor Street thence across the Bull Ring and along Bell Street to its junction with

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Worcester Street thence along Worcester Street to its junction with New Street thence along New Street to its junction with Paradise Street thence along Paradise Street to its junction with Easy Row and thence along Easy Row to its junction with Edmund Street.

SCHEDULE B.

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

Bradford Passage.

Temple Passage.

Passage leading out of New Street by Society of Artists Buildings.

Tramways which may be broken up passed or crossed over by the Undertakers in pursuance of the special powers granted by this Order.

Birmingham and Aston Tramways.

Birmingham Central Tramways.

SCHEDULE C.

The term "unit" as used in this schedule shall be deemed to mean the energy contained in a current of 1,000 amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him they shall be entitled to charge him at the following rates per quarter:—For any quantity up to one hundred units three pounds ten shillings and for each unit over one hundred units tenpence 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 1 of this schedule the quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the mains and the service lines by which he is supplied.

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

Section 3.

Where the Undertakers charge any consumer by the number of hours during which he actually uses his supply they shall be entitled to charge him at the rates

specified in section 1 of this schedule the quantity of energy supplied to him being calculated on the supposition that the consumer uses the maximum power specified by him under the provisions of this Order during all the hours that he has used the supply.

LIVERPOOL ELECTRIC LIGHTING.

Liverpool.

Provisional Order under the Electric Lighting Acts 1882 *and* 1888, *granted by the Board of Trade to the Liverpool Electric Supply Company Limited.*

Preliminary.

1. This Order may be cited as the Liverpool Electric Lighting Order, 1889. Short title.

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 those Acts meanings are assigned shall have in this Order the same respective meanings, provided that in this Order Interpretation.

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

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

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

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

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

The expression "general supply" shall mean the 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 expressions "Schedule A" "Schedule B" "Schedule C" and "Schedule D" shall mean the Schedules A, B, C and D to this Order annexed respectively.

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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 "plan" shall mean and include plan and section and detail plan and section drawn to such scale or scales as may from time to time be prescribed by the local authority.

Commencement of Order.

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

Address and Description of the Undertakers.

Address and description of Undertakers.

4. The Undertakers for the purpose of this Order are the Liverpool Electric Supply Company Limited, being a company registered under the Companies Acts, 1862 to 1880, with limited liability and having its registered office at No. 1 Crosshall Street in the City of Liverpool and having its capital divided into 40,000 shares of 5*l.* each.

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

Area of Supply.

Area of supply.

5. The area within which the Undertakers are authorised to supply energy under this Order shall be the whole of the area included in Schedule A, (which said area is more particularly delineated upon the map deposited at the Board of Trade by the Undertakers together with this Order and signed by an Assistant Secretary to the Board of Trade, and by the engineer of the local authority and the engineers of the Undertakers and thereon coloured red) together with so much of the area included in Schedule B (which said area is more particularly delineated upon the map above-mentioned and thereon coloured blue) as may hereafter be added to the area of supply in accordance with the direction of the local authority as by this Order provided.

Extension of area of supply.

6. At any time after the commencement of this Order the Undertakers may apply to the local authority to direct that any part or parts of the area included in Schedule B shall be added to the area of supply.

Notice of every such application shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper and shall be served upon the local authority.

Where any such application has been made the local authority upon being satisfied that such notice has been duly published, and served as aforesaid, may, at the expiration of a period of three months, after the publication of the first of such advertisements, direct all or any part of the additions to the area of supply therein specified to be made, and the area of supply shall be extended accordingly: Provided that if the local authority are of opinion that such additions or some of them have not been reasonably or fairly selected, having regard to the

future development of electric lighting in the district, they may refuse to direct the same to be added to the area of supply.

Extension of area of supply.

7. If at any time after the expiration of a period of two years after the commencement of this Order the local authority should be desirous that any part or parts of the area included in Schedule B which may not for the time being be included in the area of supply, should be added to the area of supply, they may serve a notice upon the Undertakers requiring the part or parts particularly specified in such notice to be added to the area of supply, as from the date specified in the notice, and such part or parts shall thereupon be added to the area of supply.

Capital.

Separate capital for undertaking.

8. Such balance of the capital of eighty thousand pounds which in accordance with the provisions of the Liverpool Electric Lighting License, 1888, was bonâ fide subscribed, and was on the twenty-fourth day of July, 1888, by special resolution appropriated as a separate capital for the purposes of such license in respect of the area comprised in Schedule A, as shall not at the date of the commencement of this Order have been actually and bonâ fide expended for the purposes of such license in respect of such area shall be and remain appropriated as a separate capital for the purposes of the undertaking in such area, and shall form part of the capital of the Undertakers for the purpose of the undertaking.

Further capital in respect of area included in Schedule A.

9. Within twelve months after the commencement of this Order the Undertakers shall cause a further sum of 40,000*l.* to be bonâ fide subscribed and appropriated to the satisfaction of the Board of Trade as a separate capital for the purposes of the undertaking, and in respect of the area comprised in Schedule A.

The Undertakers shall, within such time as the Board of Trade shall by notice in writing to the Undertakers appoint, cause to be bonâ fide subscribed and appropriated to the satisfaction of the Board of Trade such further sums as a separate capital for the district comprised in Schedule A, as the Board of Trade shall from time to time, on the application of the local authority direct.

If the Undertakers, in the opinion of the Board of Trade make default in complying with the provisions of this section or of any notice given to them by the Board of Trade under this section, this Order may, upon the application of the local authority, be revoked by the Board of Trade on such terms as they may think just.

Separate capital to be increased when area of supply added to.

10. If any part or parts of the area included in Schedule B shall be hereafter added to the area of supply by the direction of the local authority under the provisions of this Order, the Undertakers within a period of six months after the date when such addition is directed to take effect and before exercising any of the powers by this Order conferred on them in relation to the execution of works within the part or parts so added, shall deposit to the satisfaction of the Board of Trade a sum not less than such sum as may be approved in that behalf by the Board of Trade in respect of the part or parts so added; and they shall, within one year after the said date, or such further period as may be approved by the local authority, cause three-fourths of the capital which in the opinion of the Board of Trade will be required for so much of the undertaking as will be within the said part or parts so added to be bonâ fide subscribed and appropriated to the satisfaction of the Board of Trade as an addition to the amount previously

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appropriated as a separate capital pursuant to this Order, and they shall within such further time as the Board of Trade on the application of the local authority may by notice in writing appoint cause the remaining fourth of such capital to be bonâ fide subscribed and appropriated in manner aforesaid.

If in any case the Undertakers fail to deposit the sums approved in that behalf respectively as aforesaid, or to cause the capital above-mentioned to be bonâ fide subscribed, and appropriated, in accordance with the provisions of this section, this Order may be revoked by the Board of Trade upon such terms as they may think just.

Any sum deposited by the Undertakers under the provisions of this section shall be repaid or released to them when and so soon as they have executed such works (if any) as may be prescribed in that behalf by the Board of Trade, or at such earlier dates and by such instalments as may be approved of by the local authority.

Separate capital to be applied for purposes of undertaking.

11. The Undertakers shall at all times cause such capital as may have been appropriated as a separate capital for the purposes of the undertaking together with such increase thereof as may from time to time be made in accordance with the provisions of the last preceding section to be kept appropriated for the said purposes and shall keep accounts thereof distinct from the accounts kept by them in respect of any other undertaking.

If the Undertakers make default in complying with any of the requirements of this section in respect of the appropriation of any capital for the purposes of the undertaking this Order may be revoked by the Board of Trade upon such terms as they may think just.

Nature and Mode of Supply.

Systems and mode of supply.

12. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided, as follows:—

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

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth, except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General, and is made in accordance with the conditions (if any) of such approval.

(3.) The Undertakers shall construct their mains and other works of all descriptions, and shall work their undertaking in all respects, with due regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their undertakings to prevent injurious affection whether by induction or otherwise to such electric circuits, or the currents in such circuits. If any question arises as to whether the

Undertakers have constructed their mains or other works, or worked their undertaking in contravention of this sub-section, such question shall be determined by arbitration, and the Undertakers shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

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

Works.

Power for execution of works.

13. Subject to the provisions of this Order and the principal Act the Undertakers may break up and otherwise interfere with, or cause or procure the breaking up or interference with streets, tramways, or public bridges repairable by the local authority, and also so much of the several streets, (not repairable by the local authority) and of the tramways specified in Schedule D as may for the time being be included in the area of supply, and also may from time to time construct distributing boxes in any street for the purpose of supplying energy.

Every such distributing box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling the supply of energy, or for examining or testing the condition of the mains or other portion of the electric lines or 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, and may maintain and use the same.

Provision as to Bold Street.

14. 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.

Provisions in regard to the local authority.

15. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing boxes) will involve the placing, 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.

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(*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), 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 from time to time, 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 upon the engineer of the local authority 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 engineer 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 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 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 by the Undertakers, and the Undertakers shall immediately upon such street being opened commence the repairs and complete them as quickly as possible, and the local authority shall then reinstate the pavement.

(*j.*) If any breakage 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 subsection, 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

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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.

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 engineer of 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 gas works.

(*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

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, by their engineer, for the time being, may direct, and in accordance, in all respects, with the directions of such engineer.

(*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 damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues after notice to the Undertakers thereof, 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 the preceding sections 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.

Provisions with regard to the Postmaster-General.

16. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing boxes) will involve the placing of any works 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 placed and the manner in which it is intended that such street or bridge or any sewer, drain or tunnel therein or thereunder should be interfered with, and shall, upon being required to do so by the Postmaster-General from time to time give him any such further information in relation thereto as he may desire.

(*b.*) The Postmaster-General may in his discretion approve of any such works or plan with or without any amendments or alterations or disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General disapproves of any such works or plan, the Undertakers may appeal to the Board of Trade against such disapproval and the Board of Trade may inquire into the matter and may allow or disallow such appeal and approve any such works or plan, with or without any amendments or alterations or disapprove the same.

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Provided that nothing in this Order shall authorise the Undertakers to place any electric line above ground, along, over, or across any street without the express consent of the local authority.

(*d.*) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within three weeks after the service of the notice upon him he shall be deemed to have approved of such works or 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 under this Order. But where any such works and such plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such 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 or penalties which they may incur 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 in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case 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.

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 14 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 14 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, from time to time, 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 may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place, subject to the following provisions unless otherwise agreed between the parties interested :—

(*a.*) One month before commencing any such alteration the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be) in this section referred to as "the owners" describing the proposed alteration and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation is proposed to be paid or secured, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall upon being required to do so by any such owners from time to time give them any such further information in relation thereto as they may desire.

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

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interference with any purpose for which such pipe, wire, electric line, or work is used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case, or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure in the manner proposed by them or settled by arbitration as aforesaid, may cause the alterations specified in such notice or 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 them, stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

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

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

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

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under the last preceding sub-section shall be repaid to them by such operators.

(*j.*) Any owners may, if they think fit, by any statement served by them upon any operators under this section, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be agreed upon between such owners and operators, or, in default of agreement, as may be determined by arbitration, 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 any alterations until such security has been duly given.

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and, in addition thereto, they shall be liable to a penalty not exceeding ten pounds for every such default, and, in the case of a continuing offence, to a further penalty not exceeding five pounds for every day after the first day during which such default continues, provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

As to streets not repairable by the local authority.

19. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works under, along or across any street or part of a street not repairable by the local authority or over or under any railway, tramway (other than those tramways repairable by the local authority), 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 or by virtue of this Order or the principal Act serve a notice upon the body or persons liable to repair such streets or parts of streets or the body or persons for the time being entitled to work such railway or tramway or the owners of such canal as the case may be (in this section referred to as the "owners") describing the proposed works and in the case of a railway, tramway or canal stating the amount of compensation proposed to be made in respect thereof (if any) and the manner in which such compensation is proposed to be paid or secured, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall, upon being required to do so by any such owners as aforesaid, from time to time give them any such further information in relation thereto as they may desire.

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

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

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other works so as to avoid 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 upon paying or securing any compensation which they may be required to pay or secure in the manner proposed by them, or settled by arbitration as aforesaid, may cause the works specified in such notice and plan as aforesaid to be executed, and may from time to time repair, renew, and amend the same (provided that their character and position are not altered), but subject in all respects to the provisions of this Order and the principal Act, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues; provided that the Undertakers shall not be subject to any such penalty 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.

(*g.*) 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 section 15 of this Order.

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

20. 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, if they think fit may from time to time serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, 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 from time to time amend or revoke any such notice by another notice similarly served. Where any such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested:—

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

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

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than 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.

(*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.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such offence continues.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers, and may be recovered summarily before any court of summary jurisdiction, who shall have power to determine the amount thereof.

(*h.*) The givers of the notice may from time to time, if they think fit, require the Undertakers to give them such security for the repayment to them of any expenses incurred by them under this section, as may be agreed upon between them and the Undertakers, or in default of agreement as may be determined by arbitration. If the Undertakers fail to give any such security within seven days after being required to do so, or in case of difference after the delivery of the arbitrator's award they shall not be entitled to serve any further requisition upon such givers of the notice requiring them to exercise or discharge any powers or duties under this section until such security has been duly given.

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Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act, in relation to the execution of any works beyond the actual breaking up, filling in, reinstating or making good any such street, or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or tramway, as in this section mentioned.

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

21. 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 pipe belonging to any gas or water power company or any pipe, branch or service pipe apparatus fitting or other work belonging to any gas or water power company or any body or person (other than the local authority or the United Gas Company) has been lawfully placed or where any body company or person (other than the local authority or the United Gas 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 power company body or person (as the case may be) in this section referred to as the "operators," shall unless otherwise agreed between the parties interested give to such gas or water power company body or person or to the Undertakers (as the case may be) in this section referred to as the "owners," not more than forty-eight hours and not less than twenty-four hours notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officers to superintend the digging or sinking of such trench and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or any such officer for the protection of every such pipe 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.

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 or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case are of opinion that the case was one of emergency and that the operators complied with the requirements 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 or water power company" shall include any body or persons other than the local authority and the United Gas Company supplying gas or water.

Works not to be constructed in streets not repairable by local authority without consent of local authority.

22. 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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Local authority may direct that provisions of sec. 15 shall apply to execution of works in streets not repairable by local authority.

23. The local authority may from time to time, by notice in writing, to the Undertakers direct that in executing any works (including the construction of distributing or service 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 section 15 of this Order or such of them as the local authority may determine shall have effect.

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

24. 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 engineer of the local authority requires repairs, the local authority may, at the expense of the Undertakers, execute such repairs as such engineer may consider to be required.

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

25. 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 authority within one week after the local authority shall have served upon the Undertakers notice in writing requiring payment of such expenses.

Except as by this Order otherwise provided, a certificate under the hand of the engineer of the local authority as to the amount of any expenses payable by the Undertakers to the local authority under this Order shall be primâ facie evidence of the amount of such expenses, and that such amount is due and payable by the Undertakers to the local authority. Provided that if in any case the Undertakers dispute the propriety or reasonableness of such certificate so given under the hand of the engineer of the local authority, then the amount of the expenses to which such certificate refers shall be settled by arbitration.

For protection of telephone companies, &c.

26. Seven days before commencing to lay down any electric line or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected, the Undertakers shall, unless otherwise agreed between the parties interested, give to the body or person for the time being entitled to such wires or lines notice in writing specifying the course, nature, and gauge of such electric lines, and the amount and nature of the current intended to be sent along the same; and the Undertakers shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

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

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

If any difference arises between any such body or person and the Undertakers with respect to anything in this section or section 12, sub-section 2, contained, such difference shall be determined by arbitration.

Compulsory Works.

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

27. The Undertakers shall from time to time after the expiration of twelve months from the commencement of this Order lay down suitable and sufficient mains for the purposes of general supply throughout any street or part of a street within the area included in Schedule A, 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.

Mains, &c., to be laid down in area included in Schedule B on requisition.

28. At any time after the date when any addition to the area of supply of any part of the area included in Schedule B is directed to take effect, the Undertakers shall from time to time lay down suitable and sufficient mains, for the purposes of general supply throughout any street or part of a street within the part of the area so added to the area of supply (unless such mains shall 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.

Maps.

Maps.

29. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply, together with sections showing the depth of the mains below the surface, and such other particulars as may from time to time be required by the local authority; and such map,

sections, and other details shall be drawn upon such scales as may be prescribed by the ocal authority, and shall cause to be marked upon such plan and sections the line of all their then existing mains, distributing mains, service lines, or other works and distributing boxes; and shall, once in every year, correct such map and sections, and make such additions thereto as will show the line of all their then existing mains, distributing mains, service lines, and other works and distributing boxes.

Deposit and inspection of maps.

30. Every map and section so made and corrected by the Undertakers or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept by the Undertakers at their principal office within the area of supply; and a copy of every such map and sections shall, within one month after such map or section is made or corrected, be served by the Undertakers upon the Board of Trade, and upon the Postmaster-General, and upon the local authority.

Every copy of the said map and sections as last corrected shall be kept by the Undertakers at their registered office in Liverpool, and shall, at all reasonable times, be open to the inspection of all applicants, and such applicants may take copies of the same or any part thereof.

The Undertakers may demand and take from every such applicant, as aforesaid, such fee not exceeding one shilling for each inspection of such map or copy and such further fee not exceeding one shilling for each copy of the same or any part thereof taken by such applicant.

Penalty on Undertakers in respect of maps, &c.

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

Testing.

Appointment of electric inspectors by local authority.

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

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

33. If no electric inspector is appointed 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 person supplied with energy by the Undertakers within the area of supply, or of the Undertakers, may from time to time appoint and keep appointed, one or more competent and impartial person or persons to be electric inspectors for the purposes aforesaid.

Remuneration of electric inspectors.

34. 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 from time to time determine, and such remuneration may be in addition to or in substitution for any fees which are directed to be paid to electric inspectors for services rendered by them under this Order as may be settled by the authority by whom such remuneration is determined. Provided that where any such remuneration is settled to be in substitution for such fees as aforesaid, such fees shall, in lieu

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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.

Testing of mains.

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

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

Testing of service lines.

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

Mode of testing.

37. Notice shall be given to the Undertakers before the commencement of any testing by an electric inspector, and such testing shall be carried out at such suitable hours as, in the opinion of such inspector will least interfere with the supply of energy by the Undertakers and in such manner as such inspector may think expedient, but except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains. Provided that neither the Undertakers nor the local authority shall 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 such testing as aforesaid.

Undertakers to establish testing stations and keep instruments.

38. The Undertakers shall establish at their own cost and keep in proper condition within such reasonable distance from any distributing main as the local authority think fit, such reasonable number of testing stations as the local authority shall deem to be 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, for the purpose of testing such supply, and the Undertakers shall connect such stations by means of proper and sufficient service lines with such main at their own expense, and shall supply energy thereto for the purpose of such testing free of charge.

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.

39. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be from time to time approved of or prescribed by the Board of Trade, and shall from time to time take and record,

and keep recorded, such observations as the Board of Trade may from time to time prescribe, and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

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

Electric inspector may test Undertakers' instruments.

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

Representation of Undertakers at testings.

42. 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 an electric inspector, be represented by some officer or other agent, but such officer or agent shall not interfere in the testing or inspection.

Report of results of testing.

43. 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.

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

Expenses of testing.

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

Undertakers to give facilities for testings.

45. The Undertakers shall afford all facilities for the proper execution of this Order with respect to testing, and the reading 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

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exceeding five pounds, and in the case of a continuing offence, to a further penalty not exceeding one pound for every day after the first day during which such offence continues.

Remedying of defects in mains, &c.

46. If at any time it appears to the Board of Trade or the local authority that any mains, electric lines or works of the Undertakers are defective and not in accordance with the provisions of this Order or of the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, the Board of Trade or the local authority may by order in writing require the Undertakers to remedy such defect so as to comply with such regulations and conditions within such reasonable time as may be therein limited in that behalf, and if the Undertakers make default in remedying such defect within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

Provided that if such defect is, in the opinion of the Board of Trade or the local authority dangerous to public safety, they may also by order in writing forbid the use of such main, electric line, or work as from such date as may be specified in that behalf until the defect is remedied, and if the Undertakers make use of any such main, electric line, or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues.

Provided also that any order made by the local authority under this section shall be subject to appeal to the Board of Trade and the Board of Trade after such inquiry as they may think fit may confirm, modify or refuse to confirm such order and where such order is modified the Undertakers shall not be liable to the penalties provided by this section except in so far as they fail to comply with the order as so modified.

Supply.

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

47. The Undertakers shall, upon being required so to do 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 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, 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 current 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 line as may be laid for a greater distance than thirty feet from any distributing main of the Undertakers, although not on such property, shall be defrayed by such owner or occupier.

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

(*a.*) Serve a notice upon the Undertakers specifying the premises, in respect of which such supply is required and the maximum current 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.

(*b.*) 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 rent payable for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric line required 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 from time to time become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient, and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues. Provided also that if the owner or occupier of any such premises as aforesaid uses, any form of lamp or burner or uses, the energy supplied to him by the Undertakers so as to unduly or improperly interfere with the 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 undue or improper interference continues. If any difference arises between any such owner or occupier and the Undertakers as to the reasonableness of the amount of any security required to be given, or as to the sufficiency of any security offered under this section such difference shall be determined by arbitration.

Maximum power.

48. The maximum power with which any such consumer as in the last section mentioned shall be entitled to be supplied shall be of such amount as he may from time to time require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises, provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount, he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers; and any expenses incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer, or any electric lines, fittings or apparatus of the Undertakers upon such premises, consequent upon such alteration, shall be paid by him to the Undertakers, and may be recovered summarily as a civil debt. If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises, such difference shall be determined by arbitration.

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Supply of energy to public lamps.

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

Penalty for failure of supply.

50. Whenever the Undertakers make default in giving a supply of energy to any owner or occupier of premises in accordance with the terms of this Order, and of any regulations and conditions subject to which they are authorised to supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day upon which any such default occurs.

Whenever the Undertakers make default in supplying energy to all or any of the public lamps to which they may be and are required to supply energy under this Order in accordance with the terms of the Order and of any regulations and conditions subject to which they are authorised 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 upon 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 one hundred 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 default if the court having cognizance of the case are of opinion that such default was caused by inevitable accident or by force majeure or was of so slight or unimportant a character as not materially to affect the value of the supply or where such court are of opinion that such default was not wilful on the part of the Undertakers or due to any negligence on the part of the Undertakers or any of their officers or servants, and that all reasonable precautions have been taken by the Undertakers to prevent the occurrence of such default.

Price.

Methods of charging.

51. The Undertakers may charge for energy supplied by them from any main or distributing main to any ordinary consumer (otherwise than by agreement)

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

(2.) By the electrical quantity contained in such supply ; or, unless the Board of Trade from time to time otherwise direct,

(3.) By the number of hours which the supply of energy is actually used by such consumer, and the maximum power with which he is for the time being entitled to be supplied.

Provided that before commencing to supply through any distributing main, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and where the Undertakers have given any such notice, they shall not be entitled to change such method of charging, except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main: Provided also that where the Undertakers have given notice to any consumer of charging him by the number of hours and the maximum power, in manner above described, such consumer, if he objects to that method of charge, may by one month's notice in writing require the Undertakers to charge him by the actual quantity of energy supplied to him and thereafter the Undertakers shall not, except with the consumer's consent, charge him by the method so objected to.

If any difference should arise between the Undertakers and any consumer or intended consumer as to the mode by which the supply of energy is to be charged, the Undertakers shall, upon the demand of the consumer or intended consumer, submit the case to the Board of Trade for their decision.

Maximum prices.

52. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in Schedule C in the first, second, and third sections thereof respectively.

Other charges by agreement.

53. Subject to the provisions of this Order and of the principal Act and to the right of the consumer in cases where he is entitled to require a supply, 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 prices to be charged for energy, and the mode in which such charges are to be ascertained, and may charge accordingly.

Price to public lamps.

54. The price to be charged by the Undertakers and to be paid to them for all energy supplied to the public lamps, 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 prices charged to ordinary customers in the district.

Reduction of Price.

Reduction of price.

55. 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.

56. The local authority may from time to time appoint or appoint and keep appointed 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

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audit and shall afford to him or them all facilities for the proper execution of his and their duty. If such auditor shall be of opinion that the accounts are incorrect in principal 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.

57. 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.

Meters.

Meters to be used except by agreement.

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

Meter to be certified.

59. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be of some construction and pattern, approved of by the Board of Trade, and to have been fixed and to have been connected with the service lines in some manner approved by the local authority, and to be a correct meter; and every such meter is in this Order referred to as a "certified meter." Provided that where any alteration is made in any certified meter, or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Fees for certifying meters.

60. Every electric inspector who may be required by the Undertakers or by any consumer to examine any meter for the purpose of certifying the same as a certified meter under the provisions of this Order shall be entitled to demand from the Undertakers or consumer so requiring him, and to be paid such fees as may from time to time be determined in that behalf by the local authority, and

every electric inspector shall, upon being required so to do by the Undertakers or any such consumer as aforesaid examine any meter situate within the district for which he is appointed if such fees are offered to him as aforesaid, and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

61. 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 such 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, 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 if he desires to purchase the same, or to enter into an agreement for the hire of such meter as herein-after provided if he desires to hire such meter, and also to pay to them a reasonable sum in respect of the expenses of fixing such meter and connecting it with the service lines, and procuring the same to be certified under this Order; if any difference arises between the Undertakers and any consumer under this section such difference shall be determined by arbitration.

Meters not to be connected or disconnected without notice.

62. No consumer shall connect any meter 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 lines, unless he has given to the Undertakers not less than 48 hours' notice in writing of his intention so to do.

Consumer to keep his meter in proper order.

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

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

Power to the Undertakers to let meters.

64. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such reasonable 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 as may be agreed upon between the hirer and the Undertakers, and such remuneration shall be recoverable summarily as a civil debt.

Undertakers to keep meter let for hire in repair.

65. The Undertakers shall 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

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aforesaid have access to and be at liberty to remove, test, inspect and replace any such meter at all reasonable times provided that the expense 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.

66. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector or where the local authority are the consumers by an inspector to be appointed by the Board of Trade who shall also order by which of the parties the costs of the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply of energy by the Undertakers to any consumer.

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

67. Where any consumer who is supplied with energy by the Undertakers from any main or distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging.

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

68. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply as between himself and the Undertakers the Undertakers may from time to time place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power of such supply or any other quantity or time connected therewith: Provided that such meter shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved of by the local authority with the consent of 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 poles of the consumer's premises at which the supply is given.

Purchase of Undertaking.

Purchase of undertaking.

69. The local authority may within six months after the period of 21 years from the commencement of this Order, and within six months after the expiration of every subsequent period of seven years, give to the Undertakers notice in writing requiring the Undertakers to sell to the local authority their undertaking in accordance with section two of the Electric Lighting Act, 1888.

Notices, &c.

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

70. Notices, demands, consents, authorities, 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, demand, consent, authority, order or document requires authentication by the local authority the signature thereof by the town clerk or engineer of the local authority shall be sufficient authentication.

Service of notices &c.

71. Any notice, demand, consent, authority, order or document required or authorised to be served upon any body or person under this Order 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 the local authority the office of the local authority.

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

(*e.*) In the case of a company having an office or offices but no registered office any such office.

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

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

A notice, order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed to 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 any premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing the notice on some conspicuous part of the premises.

Revocation of Order.

Revocation of Order when Undertakers are insolvent.

72. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made default in executing works or supplying energy in accordance with the terms of this Order or that in consequence of the insolvency of the Undertakers, they are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they shall, upon the application of the local authority, revoke this Order as to the whole, or any part of the area of supply, upon such terms as they may think just. Provided always that the powers of this section shall be taken to be in addition to and not in derogation of any other powers conferred by this Order.

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

73. If at any time after the commencement of this Order the Undertakers represent to the Board of Trade that the undertaking cannot be carried on with profit and ought to be abandoned, the Board of Trade shall inquire into the truth of such representation and if upon such inquiry they are satisfied of the

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truth of such representation they may if in their discretion they think fit and after hearing any representations which the local authority think fit to make, revoke this Order as to the whole or with the consent of the Undertakers any part of the area affected thereby.

Revocation of Order with consent.

74. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order as to the whole or any part of the area of supply 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.

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

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

(*b.*) The local authority, and any body or person who may be liable to repair any street or part of a street in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care, and the Undertakers shall pay to the local authority or other such body or person as aforesaid all costs in connexion with such removal, and of the reinstatement of such street or part of a street, and in every respect in accordance with the requirements of the local authority.

If the Undertakers fail to pay such costs as aforesaid within one month after the service upon them of such notice, 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 cost incurred 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 an arbitrator, to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

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Nature and amount of security.

76. Where any consumer is required under this Order to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, 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 Undertakers shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings where approval of Board of Trade is required.

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

Costs of application for approval or consent of the Board of Trade.

78. All costs and expenses of and incident to any application for any approval, consent, or order of the Board of Trade shall be borne and paid by the applicant or applicants therefor.

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

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

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

Recovery of penalties.

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

Undertakers to be responsible for all damages.

81. The Undertakers shall indemnify and save harmless the local authority and all other authorities, bodies, and persons by whom any street is repairable, and all other authorities or bodies having control of any streets, collectively and individually, and their officers and servants from all damages and costs in respect of any accidents, damages, and injuries happening to property or person through or incidental to the act or default of the Undertakers, or of any person in their employment, by reason or in reasonable consequence of any of the Undertakers works, or by reason or in reasonable consequence of anything done by the local authority under this Order, and also from all liability to make compensation in respect of the execution of any of the works authorised by this Order.

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

82. The Undertakers shall 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.

83. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage.

Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any compulsory sale of the undertaking or any part thereof to the local authority under the principal Act or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority 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.

84. 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 clause for Postmaster-General.

85. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to, and not in modification of, the provisions of those Acts.

Saving for conservators of the Mersey.

86. Nothing in this Order shall authorise or empower the Undertakers to embank or encroach upon or break up or interfere with any part of the soil or bed of the River Mersey or the shore thereof, so far as the same may be under the jurisdiction of the conservators of the River Mersey, without the consent of the said conservators.

Undertakers not exempted from proceedings for nuisance.

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

Provision as to general Acts.

88. Nothing in this Order shall except or 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 or to Undertakers or undertakings authorised for the purposes of the supply of energy which may be passed in this or any future session of Parliament.

Cessation of powers, &c., under Liver-

89. From and after the date of the commencement of this Order all powers, duties, and liabilities of the Undertakers under and by virtue of the Liverpool

Electric Lighting License, 1888, shall cease, and in lieu thereof the powers, duties, and liabilities of the Undertakers shall be such as are prescribed by this Order. Provided always that nothing herein contained shall affect anything done or suffered prior to such date under the said license or any right or liability of the Undertakers or any other person arising out of anything so done or suffered as aforesaid.

Liverpool Electric Lighting License, 1888.

SCHEDULES.

SCHEDULE A.

So much of the city and parish of Liverpool as is surrounded by a line drawn from the bottom 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
Commutation Row (west side)
Lime Street
Ranelagh Place
Mount Pleasant
Roscoe Street
Bold Place
Wood Street
School Lane
Cable Street
Preeson's Row
James Street
Back Goree
Georges Dock Gates,

where it again joins Chapel Street, and the houses and buildings on each side forming part of such streets.

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SCHEDULE B.

So much of the city and parish of Liverpool as is surrounded by a line joining the area of Schedule A in Mount Pleasant at Roscoe Street, and passing thence through

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,

where it again joins district included in Schedule A, at the bottom of James Street, and thence along the southern boundary of Schedule A to Roscoe Street and along Roscoe Street to where it again joins Mount Pleasant, and the houses and buildings on each side forming part of such streets.

SCHEDULE C.

The term "unit" as used in this schedule shall be deemed to mean the energy contained in a current of 1,000 ampères flowing under an electro motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him they shall be entitled to charge him at the following rates per quarter.

(*a.*) For any quantity not exceeding the equivalent of one hundred hours of the maximum rate of supply in units of energy which has been demanded by him at the rate of one shilling per unit. Then

(*b.*) For any further quantity exceeding the equivalent of one hundred hours but not exceeding that of two hundred hours of such demanded supply at the rate of eightpence per unit. And then

(*c.*) For any further quantity exceeding the equivalent of two hundred hours of such demanded supply at the rate of fourpence 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 1 of this schedule, the quantity of energy supplied to him being taken to be the product of such electrical quantity, and the standard pressure at the point of junction of the mains and the service lines by which he is supplied.

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

SECTION 3.

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

SCHEDULE D.

List of private streets, and tramways, which may be broken up by the Undertakers in pursuance of the special powers granted by this Order :—

Hadwen's Buildings.

The subway under the Exchange Station of the Lancashire and Yorkshire Railway forming a continuation of Prussia Street.

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

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SWANSEA ELECTRIC LIGHTING.

Provisional Order under the Electric Lighting Acts 1882 *and* 1888 *granted by the Board of Trade to the Mayor Aldermen and Burgesses of the Borough of Swansea in the County of Glamorgan.*

Preliminary.

Short title.

1. This Order may be cited as the Swansea Electric Lighting Order 1889.

Interpretation.

2. This Order is to be read and construed subject 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 continuous 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 continuous electric line through which energy may be supplied or intended to be supplied by the Undertakers to any particular consumer either from any main or directly from the premises of the Undertakers:

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

The expression "general supply" shall mean the supply of energy to ordinary consumers and unless otherwise specially approved of by the Board of Trade either generally or in respect of individual cases 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 expressions "Schedule A" "Schedule B" "Schedule C" and "Schedule D" shall mean the Schedules A B C and D to this Order annexed respectively.

Commencement of Order.

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

Description of the Undertakers.

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Description of Undertakers.

4. The Undertakers for the purpose of this Order are subject to the provisions thereof the mayor aldermen and burgesses of the borough of Swansea (hereinafter referred to as the Corporation). Provided that if the Corporation transfer all the powers duties and liabilities by this Order conferred or imposed on them with reference to the supply of energy in the area of supply or any part thereof to any other body or person under the provisions of this Order such body or person shall be the Undertakers for the purposes of this Order in respect of such area or part thereof as from the date of such transfer.

Area of Supply.

Area of supply.

5. The area within which the Undertakers are authorised to supply energy under this Order shall be the whole of the area included in Schedule A (which said area is more particularly delineated upon the map deposited at the Board of Trade by the Undertakers together with this Order and thereon coloured or edged with red) together with so much of the area included in Schedule B (which said area is more particularly delineated upon the map above-mentioned and thereon coloured or edged with blue) as may hereafter be added to the area of supply in accordance with the provisions of this Order.

Extension of area of supply.

6. At any time after the commencement of this Order the Corporation may by special resolution direct that any part or parts of the area included in Schedule B and not removed from the operation of this Order as herein-after mentioned shall be added to the area of supply but no such special resolution shall have any force or effect unless and until it is confirmed by a subsequent special resolution to be passed by the Corporation at a meeting held at an interval of not less than one month after the passing of the first of such special resolutions nor unless notice of the meetings at which such resolutions are passed respectively and that such resolutions would be proposed thereat has been given in the manner in which notices of meetings of the Corporation are usually given.

The Board of Trade may from time to time require the Corporation to give such public notice of the passing of any such special resolution as aforesaid as they may think expedient.

If at any time after the passing of any such special resolution as first above-mentioned and before the passing of the confirming resolution a representation is made to the Board of Trade by one fourth of the ratepayers within the part or parts directed to be added or one fourth of the ratepayers within any part of the area included in Schedule B which may not for the time being be included in the area of supply and which may be comprised within a radius of two hundred and fifty yards that the additions to the area of supply thereby directed have not been reasonably or fairly selected having regard to the future development of electric lighting in the district the Board of Trade may inquire into the matter of such representation and if upon such inquiry they are satisfied of the truth of such representation they may direct that such resolution shall be cancelled and that such additions or some of them shall not be made except upon the terms that some other part or parts of the area included in Schedule B should also be added to the area of supply but save as aforesaid where any such special resolution has been duly passed and confirmed the additions to the area of supply thereby directed shall be made and the area of supply shall be extended accordingly.

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Removal of certain parts of area included in Schedule B from operation of Order.

7. If at any time after the expiration of a period of two years after the commencement of this Order one fourth of the ratepayers within any part of the area included in Schedule B which may not for the time being be included in the area of supply and which may be comprised within a radius of two hundred and fifty yards should be desirous that such part should be added to the area of supply they may serve a notice upon the Undertakers requiring them to direct that such part as is particularly specified in such notice should be added to the area of supply.

If the Undertakers for a period of six months after the service of such notice as aforesaid refuse or neglect to direct that such part or parts shall be added to the area of supply in compliance with the terms of such notice the Board of Trade upon being satisfied that such notice has been duly served and that such refusal or neglect has without any good reason continued for the period aforesaid may direct that such part or any portion thereof be removed from the operation of this Order either absolutely or conditionally or subject to the contingency of a license or a provisional order being obtained by some other local authority or by some company or person authorising them to supply energy within such part or portion thereof and where any such part or portion thereof may have been removed from the operation of this Order under the provisions of this section the powers of the Undertakers to direct by special resolution that such part or portion thereof as the case may be shall be added to the area of supply shall absolutely cease and determine from and after the date when such removal is directed to take place.

Nature and Mode of Supply.

Systems and mode of supply.

8. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act provided as follows :—

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

(2.) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

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

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

Lands.

Purchase and use of lands.

9. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time by agreement purchase or take on lease any lands for the purposes of this Order and may use such lands and any other lands which may for the time being belong to or be vested in or leased by them and may not be dedicated to the public as a park or recreation ground or be appropriated as a cemetery for the purposes aforesaid and may from time to time dispose of any lands acquired by them under the provisions of this section which may not for the time be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

Works.

Power for execution of works.

10. Subject to the provisions of this Order and the principal Act the Undertakers may from time to time exercise within the area of supply all or any of the powers conferred on them by this Order and the principal Act and may break up or otherwise interfere with such parts of the railway and tramways specified in Schedule C as may for the time being be laid across or along any highway on the level and they may from time to time construct distributing boxes in any street for the purpose of supplying energy.

Every such distributing box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the electric lines or works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and other suitable and proper apparatus for any of the above purposes and may maintain and use the same.

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

11. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing boxes) will involve the placing of any works in over 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 placed and shall upon being required to do so by the Postmaster-General from time to time give him any such further information in relation thereto as he may desire.

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(*b.*) The Postmaster-General may in his discretion approve of any such works or plan with or without any amendments or alterations or disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General disapproves of any such works or plan the Undertakers may appeal to the Board of Trade against such disapproval and the Board of Trade may inquire into the matter and may allow or disallow such appeal and approve any such works or plan with or without any amendments or alterations or disapprove the same.

(*d.*) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within three weeks after the service of the notice upon him he shall be deemed to have approved of such works or 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 under this Order but where any such works and such plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such 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 in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency or otherwise excusable and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

As to streets not repairable by the local authority railways &c.

12. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works over under or along any railway or tramway 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 authority company or persons for the time being entitled to work such railway or tramway (in this section referred to as the "owners") describing the proposed works and stating the amount of compensation proposed to be made in respect thereof and

the manner in which such compensation is proposed to be paid or secured together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such persons as aforesaid from time to time give them any such further information in relation thereto as they may desire.

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

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question 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 railway or tramway and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid 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 upon paying or securing any compensation which they may be required to pay or secure in the manner proposed by them or settled by arbitration as aforesaid may cause the works specified in such notice and plan as aforesaid to be executed and may from time to time repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency or otherwise excusable and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

13. The Undertakers may from time to time alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any local or other public authority company or person may

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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 local authority company or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested :—

(*a.*) One month before commencing any such alteration the Undertakers or such local or other public authority company or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the authority company or persons for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alteration and stating the amount of compensation proposed to be made in respect thereof and the manner in which such compensation is proposed to be paid or secured together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners from time to time give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question 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 pipe wire electric line or work is used so far as may be possible.

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

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid the owners may serve a statement upon them stating that they desire to execute such alterations themselves and where any such statement has been served upon the operators they shall not be entitled to proceed themselves to execute such alterations except where they have notified to such owners that they require them to execute such alterations and such owners have refused or neglected to comply with such notification as herein-after provided.

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

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

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

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under the last preceding sub-sections shall be repaid to them by such operators and may be recovered summarily before any court of summary jurisdiction who shall have power to determine the amount thereof.

(*j.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues : Provided that the operators shall not be subject to any such additional penalties as aforesaid if the court having cognizance of the case are of opinion that the case was one of emergency or otherwise excusable and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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

14. 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 pipe belonging to any gas company or any branch or service pipe for the supply of gas has been lawfully placed or where any gas 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 company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested give to such gas company or to the Undertakers (as the case may be) in this section referred to as "the owners" not more than forty-eight hours and not less than twenty-four hours notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the digging or sinking of such trench and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for the protection of every such pipe electric line or work and for securing the same from injury and they shall

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also if required to do so by the owners thereof repair any damage that may be done to any such pipe electric line or work.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to the owners of any pipe electric line or work affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such default continues Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case are of opinion that the case was one of emergency or otherwise excusable 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 protection of telephone companies, &c.

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

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

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

If any difference arises between any such body or person and the Undertakers with respect to anything in this section or section 8 sub-section 2 contained such difference shall be determined by arbitration.

Exercise of Powers of Undertakers as to breaking up Railways &c. by Owners. A.D. 1889.

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Railway company &c. may give notice of desire to break up railways &c. on behalf of Undertakers.

16. The authority company or persons for the time being entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order if they think fit may from time to time give a notice to 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 such railway or tramway.

Every such notice shall be served upon the Undertakers and may from time to time be amended or revoked by another notice similarly served.

Proceedings where railway company &c. give such notice.

17. Where the authority company or persons for the time being entitled to work any railway or tramway (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any specified powers and duties of the Undertakers as in the last section mentioned then so long as such notice remains in force the following provisions shall have effect :

(*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.

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

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

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice.

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(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during which such offence continues.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily before any court of summary jurisdiction who shall have power to determine the amount thereof.

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 railway or tramway as in the last section mentioned.

Compulsory Works.

Mains &c. to be laid down in certain streets specified in Schedule A within two years.

18. The Undertakers shall within a period of two years after the commencement of this Order erect or lay down suitable and sufficient distributing mains for the purposes of general supply throughout every street and part of a street specified in that behalf in Schedule A and shall thereafter maintain the same.

In addition to the mains specified in the last preceding section the Undertakers shall at any time after the expiration of three years after the commencement of this Order erect or lay down and maintain suitable and sufficient distributing mains for the purposes of general supply throughout every street or part of a street (where part only of a street is included within the area of supply) within the area included in Schedule A upon being required to do so in manner by this Order provided.

All such distributing mains shall be erected or laid down by the Undertakers within six months after the service upon them of any requisition in that behalf in accordance with the provisions of this Order or such further time as may in any case be approved of by the Board of Trade.

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

19. If the Undertakers make default in erecting or laying down any mains in accordance with the provisions of this Order or the principal Act within the periods prescribed in that behalf respectively the Board of Trade may (after notice to the Undertakers and hearing any objections that they may have to make in regard thereto) revoke this Order as to the whole or (with the consent of the Undertakers) any part of the area affected thereby or if the Undertakers so desire may 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.

Mains &c. to be laid down in area included in Schedule B on requisition.

20. At any time after the date when any addition to the area of supply of any part of the area included in Schedule B is directed to take effect the Undertakers shall cause suitable and sufficient distributing mains for the purposes of

general supply to be erected or laid down throughout every street or part of a street (where part only of a street is included within the area of supply, within the part so added to the area of supply upon being required to do so in manner by this Order provided.

All such mains as in this section above mentioned shall be erected or laid down by the Undertakers within six months after any requisition in that behalf which may be 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.

If the Undertakers make default in erecting or laying down any distributing mains in accordance with the provisions of this section the Board of Trade may revoke this Order as to the whole or (with the consent of the Undertakers) any part of such addition to the area of supply or if the Undertakers so desire may suffer the same to remain in force as to such addition 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 but the Undertakers shall not be liable to any proceeding civil or criminal in respect of any such default as aforesaid beyond the exercise of the powers by this section conferred upon the Board of Trade.

Manner in which requisition is to be made.

21. Any requisition requiring the Undertakers to erect or lay down distributing mains for the purposes of general supply in any street or part of a street under the last preceding sections may be made by the owners or occupiers of not less than one fourth of the premises along such street or part of a street.

Every such requisition shall be signed by the owners and occupiers making such requisition and shall be served upon the Undertakers.

Forms of requisitions shall be kept by the Undertakers at their office and a copy shall be supplied to any owner or occupier of premises within the district on applying for the same at the price of one shilling a copy and any requisition so supplied shall be deemed valid in point of form.

Provisions on requisition by owners or occupiers.

22. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom such requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from the distributing mains to ordinary consumers within the area of supply produce an annual sum (to be specified by the Undertakers in such notice) amounting to twenty per centum upon the expense of providing and erecting or laying down the required distributing mains and any other mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply and thereupon such requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing such 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 for a period of

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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 twenty per centum upon the expense of providing and erecting or laying down such distributing mains and other mains as above mentioned nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If any difference arises between the Undertakers and any persons signing such requisition as to the reasonableness of the amount specified by the Undertakers in their notice or as to the sufficiency of any security offered to them under this section such difference shall be determined by arbitration.

Maps.

Map of area of supply to be made.

23. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply on such a scale as may from time to time be prescribed by the Board of Trade and shall cause to be marked thereon the line of all their then existing mains service lines and other underground works and distributing boxes and shall once in every year cause such map to be corrected and such additions to be made thereto as will show the line of all their then existing mains service lines and other underground works and distributing boxes.

Deposit and inspection of maps.

24. Every map so made or corrected for the Undertakers or a copy thereof with the date expressed thereon of the last time when it was so corrected shall be kept by the Undertakers at their office and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof and a copy of every such map shall within one month after such map is made or corrected be served by the Undertakers upon the Board of Trade and upon the Postmaster-General and (where the corporation are not themselves the Undertakers) upon the corporation and any copy so served upon the corporation shall be kept by them at their office.

The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map or copy and such further fee not exceeding one shilling for each copy of the same or any part thereof taken by such applicant as they may from time to time prescribe.

Penalty on Undertakers in respect of maps.

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

Testing.

Appointment of electric inspectors by a court of summary jurisdiction.

26. A court of summary jurisdiction on the application of any person supplied with energy by the Undertakers within the area of supply or of the Undertakers shall from time to time appoint or shall appoint and keep appointed one or more competent person or persons to be electric inspectors for the purpose of inspecting electric lines and works and of certifying meters under this Order.

27. The local authority shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may from time to time be determined by the court by whom he is appointed 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 court 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.

Remuneration of electric inspector.

28. Every electric inspector, if and when required to do so by any court of summary jurisdiction shall from time to time test for insulation and conductivity any portion of any main of the Undertakers within the area of supply through which energy is supplied by them: Provided that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of mains.

29. Every electric inspector if and when required to do so by any person supplied with energy by the Undertakers shall from time to time test the insulation and conductivity of the service lines by which such energy is supplied and the efficiency of any joints in such service lines and make such other tests in relation to such service lines as may from time to time be approved of by the Board of Trade. Provided that previously to any testing being commenced at the request of any consumer such consumer may be required to deposit such a sum in respect of the expenses of testing as the Board of Trade may determine.

Testing of service lines.

30. Notice shall be given to the Undertakers before the commencement of any testing by an electric inspector and such testing shall be carried out at such suitable hours as in the opinion of such inspector will least interfere with the supply of energy by the Undertakers and in such manner as such inspector may think expedient but except under the provisions of a special Order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of such testing as aforesaid.

Mode of testing.

31. 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 court 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.

32. Where the report of any electric inspector shows as the result of any testing that the Undertakers were in default the expenses of such testing including such reasonable fees to the electric inspector as may from time to time be prescribed in that behalf by a court of summary jurisdiction with the approval of the Board of Trade shall be paid by the Undertakers and the amount (if any) deposited by any consumer shall be refunded to him but if such report shows

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that the Undertakers were not in default such expenses shall be paid by such authority company or person as the court may direct and in case of service lines shall be paid by the person requiring the electric inspector to make such testing or out of the amount deposited by him in respect of expenses, as the case may be, and the balance of such deposit (if any) shall be returned to such consumer.

Provided that if the Undertakers or any other authority company or person should be dissatisfied with any report of any electric inspector under the last preceding sections they 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 such appeal and their decision shall be final and binding on all parties.

Undertakers to establish testing places and keep instruments.

33. A court of summary jurisdiction may upon the application of any ten consumers of energy within the area of supply direct the Undertakers at such places within a reasonable distance from any distributing main as such court think necessary to establish at their own cost such reasonable number of testing stations as the court may deem to be sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and shall provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade for the purpose of testing such supply as the court may direct and they shall connect such stations by means of proper and sufficient service lines with such main at their own expense and supply energy thereto for the purpose of such testing free of charge.

If the Undertakers are dissatisfied with any requirements of any court of summary jurisdiction under this section they may appeal to the Board of Trade against the same and thereupon the Board of Trade shall inquire into and decide upon the matter of such appeal and their decision shall be final and binding on all parties.

Undertakers to keep instruments.

34. The Undertakers shall also provide and keep in efficient working order upon all premises from which they supply energy by any distributing mains or electric lines suitable and proper instruments of such pattern and construction as may be from time to time approved of or prescribed by the Board of Trade for measuring such quantities in connexion with the supply of energy and for recording such observations as the Board of Trade may from time to time direct and shall record and keep recorded the readings of these instruments taken at intervals of not more than one hour during the time that energy is being supplied thereto from such premises and any readings so recorded shall be receivable in evidence.

Inspectors may test instruments and lines of Undertakers.

35. Any electric inspector appointed under this Order and any person appointed in that behalf by the Board of Trade shall have the right to have access at all reasonable hours to any testing station or any premises of the Undertakers for the purpose of examining any instrument or testing any electric lines or works and may take and record the readings of such instruments and such readings shall be receivable in evidence.

If such electric inspector or person finds any such instrument not to be in proper order for the purpose for which it is provided he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

36. 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 be represented by some officer or other agent but such officer or agent shall not interfere in the testing or inspection.

Undertakers to give facilities for testing.

37. The Undertakers shall keep all instruments which they are required by or under this Order to provide and keep in efficient working order for the respective purposes for which the same are required and shall afford all due facilities for the proper execution of this Order with respect to such instruments and shall comply with all requirements of or under this Order with respect to the testing of mains electric lines and works and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding one pound for every day after the first day during which such offence continues.

Remedying of defects in mains, &c.

38. If at any time it appears to the Board of Trade that any mains electric lines or works of the Undertakers are defective and not in accordance with the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this license the Board of Trade may by order in writing require the Undertakers to remedy such defect so as to comply with such regulations and conditions within such period as may be therein limited in that behalf and if the Undertakers make default in remedying such defect within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues. Provided that if such defect is in the opinion of the Board of Trade dangerous to public safety they may also by any such order as aforesaid forbid the use of such main electric line or work as from such date as may be specified in that behalf until the defect is remedied and if the Undertakers make use of any such main 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.

Supply.

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

39. The Undertakers shall upon being required so to do by the owner or occupier of any premises situated within the area of supply and within twenty-five yards from any distributing main of the Undertakers give and continue to give a supply of energy for such premises subject to the provisions of this Order and they shall furnish and lay down 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 line as may be laid for a greater distance than thirty feet from any distributing main of the Undertakers although not on such property shall 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 at their office specifying the premises in respect of which such supply is required and the maximum power

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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 ;

Enter into a written contract with the Undertakers (prepared and stamped by and at the expense of such owner or occupier if required by the Undertakers) 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 rent payable for the same at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric line to be provided by them for the purpose of such supply and give to the Undertakers (if required by them so to do) reasonable 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 to any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues.

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

Maximum power.

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

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

Penalty for failure to supply.

41. Whenever the Undertakers make default in giving a supply of energy to any owner or occupier of premises to whom they may be and are required to

supply energy under this Order they shall be liable to a penalty not exceeding forty shillings in respect of every such default for each day upon which any such default occurs. A.D. 1889. *Swansea.*

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 in supplying private consumers 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 should be of opinion that such default was caused by inevitable accident or by force majeure or was otherwise excusable or was of so slight or unimportant a character as not materially to affect the value of the supply.

Price.

Methods of charging.

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

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

(2.) By the electrical quantity contained in such supply; or, unless the Board of Trade from time to time otherwise direct,

(3.) By the number of hours during which the supply of energy is actually used by such consumer and the maximum power with which he is for the time being entitled to be supplied.

Provided that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall give notice to all consumers into whose premises service lines have been laid from such main by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer of energy who is supplied by them from such main.

Provided also that when the Undertakers have given notice to any consumer of charging him by the number of hours and the maximum power in manner above described such consumer if he objects to that method of charge may by one month's notice in writing require the Undertakers to charge him by the actual quantity of energy supplied to him and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method.

Maximum prices.

43. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in Schedule D in the first second and third sections thereof respectively or such other prices as may from time to time be substituted by the Board of Trade for the prices so stated upon the application of any twenty consumers of energy of the Undertakers within the area of supply.

Other charges by agreement.

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

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Meters.

Meters to be used except by agreement.

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

Meter to be certified.

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

Fees for certifying meters.

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

Undertakers to supply meters if required to do so.

48. 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 and any electric inspector to enter upon such premises and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter the Undertakers may require such consumer to pay to them a reasonable sum in respect of the price of such meter or to give security therefor if he desires to purchase the same or to enter into an agreement for the hire of such meter as herein-after provided if he desires to hire such meter and also to pay to them a reasonable sum in respect of the expenses of fixing such meter and connecting it with the service lines and procuring the same to be certified under this Order. If any difference arises between the Undertakers and any consumer under this section such difference shall be determined by arbitration.

Meters not to be connected or disconnected without notice.

49. No consumer shall connect any meter 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 lines 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.

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

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

Power to the Undertakers to let meters.

51. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such reasonable 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 as may be agreed upon between the hirer and the Undertakers and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

52. The Undertakers shall 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.

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

53. 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 who shall also order by which of the parties the costs of the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

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

54. Where any consumer who is supplied with energy by the Undertakers from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply and the Undertakers change the method of charging for energy supplied by them from such main the Undertakers shall pay to such consumer the reasonable expenses to which he may be put in providing a new meter for the purpose of ascertaining the value of the supply according to such new method of charging and such expenses may be recovered by the consumer from the Undertakers summarily as a civil debt.

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

55. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply as between himself and the Undertakers the Undertakers may from time to time place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power of such supply or any other quantity or time connected therewith: Provided that such meter shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved 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 poles on the consumer's premises at which the supply is given.

Application of Revenue.

Application of revenue.

56. All moneys from time to time received by the Undertakers in respect of the undertaking except borrowed money shall be applied by them as follows:—

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

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

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

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

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

And 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 Electric Lighting Act 1882 or at the option of the Undertakers 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 shall in any year exceed five pounds per centum per annum upon the aggregated 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 corporation.

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

Notices &c.

Notices &c. may be printed or written.

57. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by the mayor or town clerk of Swansea shall be sufficient authentication.

Service of notices &c.

58. 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 the Undertakers the office of the town clerk of Swansea;

(*d.*) In the case of the county council or the justices of the peace for any county the office of the clerk of the peace for the said county;

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

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

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

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

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming them) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing the notice on some conspicuous part of the premises.

Revocation of Order.

Revocation where area is not extended or works not executed.

59. If at any time after the expiration of four years after the commencement of this Order a representation is made to the Board of Trade by any company or person applying for a Provisional Order or license under the principal Act

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for the supply of energy within any part of the area included in Schedule B that such part has not been included in the area of supply or that though the same has been so included the Undertakers have made default in executing works or supplying energy in accordance with the terms of this Order the Board of Trade may if after inquiry they are satisfied of the truth of such representation revoke this Order as to such part of the said area subject to such terms as to the Board of Trade may seem just.

Revocation of Order with consent.

60. In addition to any 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 also when the Corporation are not themselves the Undertakers of the Corporation upon such terms as the Board of Trade may think fit.

Provisions where Order revoked.

61. If the Board of Trade at any time revoke this Order as to the whole or any part of the area affected thereby any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such work with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

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

Transfer of Undertaking.

Transfer of Undertaking.

62. At any time after the commencement of this Order the corporation may with the consent of the Board of Trade transfer all or any part of the powers duties and liabilities conferred or imposed upon them by this Order as to the whole or any part of the area of supply, together with any lands or works vested in or belonging to them for the purposes of this Order to any other body or person.

If the area with respect to which such transfer is proposed to be made is the area included in Schedule B or any part thereof and it appears to the Board of Trade that suitable and sufficient distributing mains have not already been erected or laid down throughout such area the Board of Trade on giving such consent may require the Undertakers to whom such transfer is to be made to erect or lay down within two years after the date of the transfer suitable and sufficient distributing mains throughout such streets or parts of streets within

the said area as may be specified in such consent and the provisions of this Order shall apply as if the streets or parts of streets so specified were included in Schedule A of this Order.

Such public notice of any transfer under the provisions of this section and of the consent of the Board of Trade shall be given as the Board of Trade shall direct.

General.

Nature and amount of security.

63. Where any consumer is required under this Order to give security to the Undertakers such security may be by way of deposit or otherwise and of such amount as he and the Undertakers agree on 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 Undertakers shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Board of Trade may suspend obligation to supply.

64. The Board of Trade at any time and from time to time upon sufficient cause shown to their satisfaction by the Undertakers and upon such conditions (if any) as the Board of Trade think just may for any limited or unlimited period suspend or modify any obligation of the Undertakers with respect to the supply of energy under the principal Act or this Order in the whole or any part of the area of supply.

Proceedings where approval of Board of Trade is required.

65. Where under the provisions of this Order the approval of the Board of Trade is required to be given in any case such approval shall be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and all costs and expenses of or incident to any application for such approval including the costs of the tests (if any) which may be required to be made by the Board of Trade for the purpose of determining whether such approval should be given shall be borne and paid by the applicant or applicants for such approval: Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may from time to time if they think fit revoke any approval so given or permit such approval to be continued subject to such modifications as they may think necessary.

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

66. 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 under this Order or where the Board of Trade upon the application of any such person as herein-before specified in that behalf revoke this Order as to the whole or any part of the area affected thereby notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the body or persons by whom such application was made as aforesaid.

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Recovery of penalties.

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

Undertakers to be responsible for all damages.

68. 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 or in consequence 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.

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

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

Saving rights of the Crown in the foreshore.

70. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Order contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Works not to be constructed on shore of navigable waters without consent of Board of Trade.

71. The Undertakers shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Undertakers shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Order the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Undertakers and the amount of such cost and charge may be recovered by the Board of Trade summarily as a civil debt.

Saving clause for Postmaster-General.

72. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Undertakers not exempted from proceedings for nuisance.

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

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Provision as to general Acts.

74. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of any general Act relating to electricity which may be passed in this or any future session of Parliament.

SCHEDULE A.

So much of the municipal borough of Swansea as is enclosed by the following boundary (that is to say) commencing at a point in Dillwyn Street about 76 yards south of its junction with Oxford Street proceeding along a line at the rear of the houses on the south side of Oxford Street crossing Plymouth Street and Union Street to and including the Oxford Street Market crossing Waterloo Street to a point in Salubrious Passage and thence in a southerly direction at the rear of the houses on the west side of Goat Street to a point in Cross Street thence at the rear of the houses on the south side of Caer Street thence along a line at the rear of the houses on the south-west side of Wind Street and Mount Street to a point in Adelaide Street opposite the end of Pier Street along the centre of Adelaide Street to Mount Street thence along the line of the tramway to Bath Lane thence along a line to the south-east of the North Dock Lock Bridge thence in a north-easterly direction to a point within about 90 yards of the New Cut and thence to the public road opposite the Cuba Hotel thence in a south-westerly direction to the North Dock Lock thence across the Strand to a point at the rear of the houses on the north-east side of Wind Street thence in a north-westerly direction at the rear of the houses in Wind Street to the rear of the Post Office thence along a line at the rear of the east side of Worcester Place and the east side of High Street to and including High Street Station and thence to a point in Bethesda Street thence crossing the Prince of Wales Road and High Street to a point at the rear of High Street and Matthew Street thence along a line on the west side of High Street and the north-west side of Alexandra Road Grove Place De-la-Beche Street and Mansel Street to a point about 150 yards from Cradock Street thence in a southerly direction across Mansel Street to a point in the back road at the rear of Northampton Place thence along the said back road across Christina Street Newton Street to Page Street and thence along Page Street crossing St. Helens Road to a line at the rear of the west side of Dillwyn Street to the commencement.

The streets and parts of streets along which the Undertakers are to erect or lay down distributing mains within two years from the commencement of this Order are so much of the following streets as are situate within the area coloured pink on the map deposited at the office of the Board of Trade on the application for this Order (that is to say):

Quay Parade	Grove Place
Mount Street	De-la-Beche Street
Wind Street	Cradock Street
Castle Square	Union Street
Castle Bailey Street	Oxford Street
Temple Street	Dillwyn Street
Castle Street	Northampton Place
High Street	Goat Street
Alexandra Road	Caer Street.

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SCHEDULE B.

The whole of the municipal borough of Swansea as the same is constituted at the date of the commencement of this Order except the area included in Schedule A.

SCHEDULE C.

Railway and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

The Oystermouth Railway.

The tramways belonging to the Swansea Improvements and Tramways Company.

SCHEDULE D.

The term "unit" as used in this schedule shall be deemed to mean the energy contained in a current of 1,000 ampères flowing under an electro-motive force of one volt during one hour.

SECTION 1.

Where the Undertakers charge any consumer by the actual quantity of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any quantity up to 100 units three pounds ten shillings for each unit over 100 units 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 1 of this schedule, the quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the mains and the service lines by which he is supplied.

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

SECTION 3.

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

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