CHAPTER clxxxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Saint Giles, &c., and Marylebone. A.D. 1889.

[26th August 1889.]

WHEREAS under the authority of the Electric Lighting Acts, 1882 and 1888, the Board of Trade have made the 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 Provisional Orders made by the Board of Trade under the authority of the said Acts as amended by Parliament, and as set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

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

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 5) Act, 1889. Short title.

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

SCHEDULE.

List of Orders.

1. Mid London.—Provisional Order under the Electric Lighting Acts, 1882 and 1888, granted by the Board of Trade to the Metropolitan Electric Supply Company.
2. West London.—Provisional Order under the Electric Lighting Acts, 1882 and 1888, granted by the Board of Trade to the Metropolitan Electric Supply Company.

METROPOLITAN ELECTRIC SUPPLY (MID LONDON).

PROVISIONAL ORDER

UNDER THE ELECTRIC LIGHTING ACTS, 1882 AND 1888, GRANTED BY THE BOARD OF TRADE TO THE METROPOLITAN ELECTRIC SUPPLY COMPANY, LIMITED.

Preliminary.

1. This Order may be cited as the Metropolitan Electric Supply Company (Mid London) Lighting Order, 1889. Short title.

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

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

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

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

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

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

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

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

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The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires:

The expression "County Council" shall mean the London County Council, and the provisions of this Order, in which the County Council is expressly mentioned, shall be construed without derogation to the powers, duties, and liabilities of that Council as local authority under this Order and the principal Act:

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

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

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

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 Metropolitan Electric Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered office at 50, Old Broad Street, in the city of London, and having its initial capital of 500,000*l.* divided into 50,000 shares of 10*l.* each, with power to increase such capital.

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

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

Area of Supply.

Area of supply.

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

Prohibition of supply beyond area of supply.

6. The Undertakers shall not at any time after the commencement of this Order supply energy or (except for the purposes of this Order) erect or lay down any electric lines or works beyond the area of supply, otherwise than

under the authority of Parliament or under a license granted by the Board of Trade under the principal Act.

Provided that where the Undertakers were on the twentieth day of May 1889 supplying or under any binding agreement to supply energy to any premises beyond the area of supply, they may continue to supply or supply energy to such premises until the 29th day of September 1890, or in case any such notice as herein-after described is served upon them, until such earlier quarter day as may be mentioned in such notice.

The said notice shall be a notice in writing by or on behalf of some body or person authorised by Parliament or the Board of Trade to supply energy in the district or place where such premises are situate, to the effect that such body or person is prepared to supply energy to the premises in question from and after the next ensuing quarter day. Every such notice must be served upon the Undertakers not less than 21 days before the quarter day mentioned therein, and must be accompanied by a certificate by an inspector appointed by the Board of Trade that suitable and sufficient distributing mains of or belonging to such body or person have been laid within 50 yards from such premises:

Provided also that any energy supplied by the Undertakers beyond the area of supply under the provisions of this section shall be supplied subject to the provisions of the principal Act and any regulations and byelaws made under the principal Act and otherwise according to law.

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

All electric lines or works used by the Undertakers under the provisions of this section for the purpose of supplying energy beyond the area of supply, and situate in, over, or across any street or public place, may and shall, unless sold or transferred to some body or person authorised to supply energy in the place where such electric lines and works are situate, be removed by the Undertakers within six months after the expiration of the period during which they are by this section authorised to supply energy by means of such electric lines or works. If the Undertakers fail to remove any such electric lines or works (not so sold or transferred as aforesaid) within the said period of six months, they shall be liable to a penalty not exceeding twenty pounds for every such offence, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line or work by such person and on such terms as they may think fit.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

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The Undertakers shall also within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade, and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of three thousand pounds, being one thousand pounds in respect of each district of a local authority mentioned in the First Schedule.

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

Any sum severally deposited or secured by the Undertakers under the provisions of this section in respect of any such district, shall be repaid or released to them from time to time in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sum so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking in such district, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, and situate in such district, or at such earlier dates and by such instalments as may from time to time be approved by the Board of Trade.

Separate accounts to be kept of undertaking.

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

Audit of Undertakers accounts.

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

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

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

Nature and Mode of Supply.

Systems and mode of supply.

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

(1.) Such energy shall be supplied only by means of some system which shall be approved 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 or conditions as aforesaid, unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster General, and is made in accordance with the conditions, if any, of such approval; and

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

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

Works.

Powers for execution works.

11. Subject to the provisions of this Order and the principal Act, the Undertakers may from time to time exercise all or any of the powers conferred on them by this Order and the principal Act, and may break up such streets, not repairable by the local authority, and such railways and tramways (if any) as are specified in the Third Schedule, so far as such streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such

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railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Distributing boxes.

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

Provided that no such box shall be placed above ground except with the consent of the local authority, or, if the street is repairable by them, of the County Council.

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

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

The local authority or (if the street is repairable by them) the County Council may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to such distributing boxes, and if the Undertakers during any hours not so prescribed remove or displace, or keep removed or displaced, the upper surface or covering of any distributing box without the consent of the local authority or County Council, as the case may be, they shall be liable to a penalty not exceeding five pounds for every such offence, and in the case of a continuing offence to a further penalty of five pounds for every day during which such offence continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court, having cognizance of the case, shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Prohibition of overhead wires.

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

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

If the Undertakers place or fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first day during

which such offence continues, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as they may think fit.

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

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

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

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

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

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

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

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

For the purposes of this Order the word plan shall be held to mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to 11 feet, with such detail plan and section as may be necessary.

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

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

(*a.*) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person, for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation is proposed to be paid or secured, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.

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

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

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

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

(*f.*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. And the word "railway" shall, for the purposes of this section, include any tunnel in or under any street or road which the Undertakers are authorised to break up.

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

Provided that nothing in this Order contained shall authorise the Undertakers (except with the consent in writing of the owner or owners for the time being of Covent Garden Market, and in such manner and on such conditions as may be from time to time agreed with the said owner or owners) to break up or otherwise interfere with any part of Covent Garden Market or Covent Garden Market Square, in the parish of St. Paul, Covent Garden, that is repairable by such owner or owners, or his or their lessees or tenants, or to place any mains, service lines, or any works or electrical

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apparatus under or across or along any part of the said Market or Market Square that is repairable by such owner or owners, or his or their lessees or tenants.

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

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

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

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

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

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

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

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

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

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

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

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

17. The Undertakers may from time to time alter the position of any pipes (not forming part of any sewer of the County Council or the local authority), or any wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place

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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 (if any) is proposed to be paid or secured, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.

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

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

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

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

execute such alterations, and such owners have refused or neglected to comply with such notification as herein-after provided.

(*f.*) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than 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 subsections shall be repaid to them by such operators, and may be recovered summarily before a court of summary jurisdiction, who shall have power to determine the amount thereof.

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

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

Laying of electric lines, &c. near

18. Whenever the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines), or other

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works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the County Council, or of any local authority, or any main, pipe, syphon, or other work belonging to any gas or water company, or any branch or service pipe for the supply of gas or water has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes), or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers, or such gas or water company (as the case may be), in this section referred to as the "operators" shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the County Council, or local authority, or to such gas or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work; and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, electric line or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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

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

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

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

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

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

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

For protection of telephone companies, &c.

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

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

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

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

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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.

Provision as to subways.

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

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

Compulsory Works.

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

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

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

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

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

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As to laying of electric line under special agreement.

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

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

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

Manner in which requisition is to be made.

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

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

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

Provisions on requisition by owners or occupiers.

26. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as

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will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains, or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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

If any difference arises between the Undertakers and any persons signing any such requisition as to the reasonableness of the amounts specified by the Undertakers in their notice, such difference shall be determined by arbitration.

Provisions on requisition by local authority.

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

Maps.

Map of area of supply to be made.

28. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply on a horizontal scale of at least one inch to 88 feet, and shall cause to be marked thereon the line of all their then existing mains, service lines, and other underground works and distributing boxes, and shall also cause to be made sections on the same horizontal scale as the map, and on a vertical scale of at least an inch to 11 feet, showing the line and level of all their existing mains and underground works other than service lines, and shall once in every year cause such map and sections to be duly corrected so as to show the then existing lines and levels.

Deposit and inspection of maps.

29. Every map and section so made or corrected for the Undertakers, or a copy thereof, with the date expressed thereon of the last time when it was so

corrected, shall be kept by the Undertakers at their principal office within the area of supply, and a copy of every such map and section shall, within one month after the same is made or corrected, be served by the Undertakers upon the Board of Trade, and upon the Postmaster General, and upon the County Council, and upon the local authority.

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

Penalty on Undertakers in respect of maps, &c.

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

Testing.

Appointment of electric inspectors by County Council.

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

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

32. If no electric inspector is appointed by the County Council, or if the County Council themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any person supplied with energy by the Undertakers within the area of supply, or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors for the purposes aforesaid.

Remuneration of electric inspectors.

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

Testing of mains.

34. Every electric inspector, if and when required to do so by the authority by whom he is appointed, shall from time to time test for insulation and conductivity any portion of any main of the Undertakers within the area of

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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.

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

Mode of testing.

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

Undertakers to establish testing stations.

37. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost, and keep in proper condition, such reasonable number of testing stations as the County Council shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

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

Undertakers to keep instruments on their premises.

38. 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.

39. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place, set up, or keep at any

testing station or on their own premises, and any electric inspector appointed under this Order may from time to time examine and record the readings of such instruments at such times and in such manner as he may be directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

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

Representation of Undertakers at testings.

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

Report of results of testing.

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

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.

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

Undertakers to give facilities for testing.

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

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Remedying of defects in mains, &c.

45. If at any time it appears to the County Council or the Board of Trade that any mains, electric lines, or works of the Undertakers are defective or not in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, 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 County Council or Board of Trade, dangerous to public safety, the Board of Trade may, if they think fit, 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.

46. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order or any regulations and conditions, subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,)

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence: and

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the

same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

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

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

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

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

Maximum power.

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

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

Supply of energy to public lamps.

48. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Penalty for failure to supply.

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

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

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

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

Price.

Methods of charging.

50. The Undertakers may charge for energy supplied by them 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 County Council and the local authority by what method they propose to charge for energy supplied through such main; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the County Council and the local authority and to every consumer of energy who is supplied by them from such main.

Provided also, that when the Undertakers have given notice that they propose to charge by the number of hours and the maximum power in manner above described, any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual quantity of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Maximum prices.

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

Provided that if the County Council, 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.

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

Price to public lamps.

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

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Meters and Apparatus.

Meters to be used except by agreement.

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

Meter to be certified.

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

Fees for certifying meters.

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

Undertakers to supply meters if required to do so.

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

Meters not to be connected or disconnected without notice.

58. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter

from any such electric line, unless he has given to the Undertakers not less than forty-eight hours' notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

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

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

Power to the Undertakers to let meter.

60. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking, for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Undertakers of such meter or apparatus and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

61. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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

62. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the County Council are the consumers, by an inspector to be appointed by the Board of Trade, who shall determine the value which ought to have been registered and also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such inspector shall be final

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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.

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

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

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

Notices, &c.

Notices, &c. may be printed or written.

65. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the County Council or the local authority, the signature thereof by the clerk or surveyor to the County Council or the local authority shall be sufficient authentication.

Service of notices, &c.

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

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

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

(*c.*) In the case of the County Council, the office of the said Council;

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

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

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

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

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

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

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

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

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

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

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

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

Revocation of Order with consent.

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

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Provisions where Order revoked.

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

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

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

(*c.*) Where no purchase is effected by the local authority under the provisions of the last subsection, and any other local authority, company, or person is willing to purchase the undertaking, or such part of it as aforesaid, the Board of Trade, if they think fit, may, with the consent of the local authority and the Undertakers, or without the consent of the Undertakers, in case the price is not less than that for which the local authority might have purchased the same under this section, direct that the undertaking, or such part thereof as aforesaid, shall be transferred to such other local authority, company, or person, and thereupon, on the payment of the value of the same agreed or estimated as aforesaid, the undertaking, or such part thereof as aforesaid, shall be so transferred.

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

(*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 such other 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.

71. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of five pounds per centum per annum on every sum of ten

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shillings so deposited for every six months during which the same remains in their hands.

Proceedings where approval of Board of Trade is required.

72. 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.

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

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

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

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

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

Recovery of penalties.

76. 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.

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

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

Undertakers to be responsible for all damages.

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

As to mortgages.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being purchased or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster General.

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

As to crossing London bridges.

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

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

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

For protection of railway companies.

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

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Saving for embankments, &c. of County Council.

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

Saving clause as to River Thames.

83. Nothing in this Order shall authorise the Undertakers to interfere in any manner with the bed or shore of the River Thames or the navigation thereof, or affect in any manner the rights, powers, or privileges of the Conservators of the River Thames.

Undertakers not exempted from proceedings for nuisance.

84. 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.

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

SCHEDULES.

FIRST SCHEDULE.

Area of supply.

(i.) St. Giles' District.
(ii.) Holborn District.
(iii.) Strand District.

SECOND SCHEDULE.

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

So much of the following streets as lies within the following districts respectively :—

(i.) *St. Giles' District.*

High Holborn.	Charing Cross Road.
New Oxford Street.	Great Queen Street.
Tottenham Court Road.	Little Queen Street.
Shaftesbury Avenue.	

(ii.) *Holborn District.*

Goswell Road.
Charterhouse Square.
Charterhouse Street.
St. John Street.
Smithfield Bars.
Cow Cross Street.
Farringdon Road.
Hatton Garden.
Holborn Circus.
Clerkenwell Road.
Spur Street to Islington from Town Hall.
Gray's Inn Road.
High Holborn,
Theobald's Road.
Southampton Buildings.
Chancery Lane.
Cursitor Street.
Bedford Row.
Great James Street.
Red Lion Street.
Lamb's Conduit Street.
Great Ormond Street.
Powis Street.
Queen Square.
Red Lion Square.

(iii.) *Strand District.*

Arundel Street.
Beaufort Buildings.
Bedford Street.
Bell Yard.
Bow Street.
Bream's Buildings.
Burleigh Street.
Cambridge Circus.
Carey Street.
Carlisle Street.
Catherine Street.
Cecil Street.
Chancery Lane.
Chandos Street.
Charing Cross Road.
Church Street.
Clare Market.
Covent Garden Market Square.
Cranbourne Street.
Dean Street.
Drury Lane.
Essex Street.
Frith Street.
Gerrard Street.
Great Chapel Street.
Great Newport Street.
Greek Street.
Henrietta Street.
Hollen Street.
Houghton Street.
James Street.
King Street.
Leicester Square.
Leicester Street.
Lisle Street.
Little Compton Street.
Little Newport Street.
Maiden Lane.
New Coventry Street.
Newcastle Street.
Norfolk Street.
Old Compton Street.
Portugal Street.
Russell Street.
Savoy Hill.
Savoy Street.
Searle Street.
Shaftesbury Avenue.
Soho Square.
Southampton Street.
Spur Street.
Stanhope Street.
Strand.
Surrey Street.
Sutton Street.
Tavistock Street.
Upper St. Martin's Lane.
Vere Street.
Victoria Embankment Approach Road.
Wardour Street.
Wellington Street
Whitcomb Street.
Wych Street.
York Street

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Mid London.

THIRD SCHEDULE.

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

(*a.*) Streets. None.
(*b.*) Railways. None.
(*c.*) Tramways. None.

FOURTH SCHEDULE.

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

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

Section 1.

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

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the distributing mains and the service lines by which he is supplied.

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

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.

METROPOLITAN ELECTRIC SUPPLY (WEST LONDON).

A.D. 1889.

West London.

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

Preliminary.

Short title.

1. This Order may be cited as the Metropolitan Electric Supply Company (West London) Lighting 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 in the Electric Lighting Act, 1882:

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

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

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

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

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

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

The expression "subway" shall mean any passage or covered way under the surface of a street constructed for the reception of pipes or wires:

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The expression "County Council" shall mean the London County Council, and the provisions of this Order, in which the County Council is expressly mentioned, shall be construed without derogation to the powers, duties, and liabilities of that Council as local authority under this Order and the principal Act:

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

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

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

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 Metropolitan Electric Supply Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at 50, Old Broad Street, in the City of London, and having its initial capital of 500,000*l.* divided into 50,000 shares of 10*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.

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

Area of Supply.

Area of supply.

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

Prohibition of supply beyond area of supply.

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

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Provided that where the Undertakers were on the twentieth day of May 1889 supplying or under any binding agreement to supply energy to any premises beyond the area of supply, they may continue to supply or supply energy to such premises until the 29th day of September 1890, or, in case any such notice as hereinafter described, is served upon them, until such earlier quarter day as may be mentioned in such notice.

The said notice shall be a notice in writing by or on behalf of some body or person authorised by Parliament or the Board of Trade to supply energy in the district or place where such premises are situate, to the effect that such body or person is prepared to supply energy to the premises in question from and after the next ensuing quarter day. Every such notice must be served upon the Undertakers not less than twenty-one days before the quarter day mentioned therein and must be accompanied by a certificate by an inspector appointed by the Board of Trade that suitable and sufficient distributed mains of or belonging to such body or person have been laid within fifty yards from such premises.

Provided also that any energy supplied by the Undertakers beyond the area of supply under the provisions of this section shall be supplied subject to the provisions of the principal Act and any regulations and byelaws made under the principal Act and otherwise according to law.

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

All electric lines or works used by the Undertakers under the provisions of this section for the purpose of supplying energy beyond the area of supply, and situate in, over, or across any street or public place, may and shall, unless sold or transferred to some body or person authorised to supply energy in the place where such electric lines and works are situate, be removed by the Undertakers within six months after the expiration of the period during which they are by this section authorised to supply energy by means of such electric lines or works. If the Undertakers fail to remove any such electric lines or works (not so sold or transferred as aforesaid) within the said period of six months, they shall be liable to a penalty not exceeding twenty pounds for every such offence, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line or work by such person and on such terms as they may think fit.

Security and Accounts.

Security for execution of works.

7. The Undertakers within a period of six months after the commencement of this Order, and before exercising any of the powers by this Order conferred on them in relation to the execution of works, shall show to the satisfaction of the Board of Trade that they are in a position fully and efficiently to discharge the duties and obligations imposed upon them by this Order throughout the area of supply.

The Undertakers shall also within six months after the commencement of this Order, or such extended period as may be approved by the Board of Trade,

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and before exercising any of the powers conferred on them in relation to the execution of works, deposit or secure to the satisfaction of the Board of Trade a sum of one thousand pounds in respect of the area of supply.

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

Any sum severally deposited or secured by the Undertakers under the provisions of this section in respect of the area of supply, or of any such district, shall be repaid or released to them from time to time in equal moieties, when and so soon as it may be certified by an inspector, to be appointed by the Board of Trade, that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon works executed for the purposes of the undertaking in such area or district, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, and situate in such area or district, or at such earlier dates and by such instalments as may from time to time be approved by the Board of Trade.

Separate accounts to be kept of undertaking.

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

Audit of Undertakers accounts.

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

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

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

Nature and Mode of Supply.

Systems and mode of supply.

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

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

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

(3.) The Undertakers shall construct their mains and other works of all descriptions, and shall work their undertaking in all respects, with due regard to other electric circuits from time to time used or intended to be used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in such circuits, and shall use every reasonable means in the construction of their mains and other works of all descriptions, and the working of their 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.

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

Distributing boxes.

12. Subject to the provisions of this Order and the principal Act the Undertakers may also from time to time construct distributing boxes in any street

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for the purpose of supplying energy: Provided that no such box shall be placed above ground, except with the consent of the local authority, or, if the street is repairable by them, of the County Council.

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

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

The local authority or (if the street is repairable by them) the County Council may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such distributing boxes, and if the Undertakers during any hours not so prescribed, remove, or displace or keep removed or displaced, the upper surface or covering of any distributing box without the consent of the local authority or County Council, as the case may be, they shall be liable to a penalty not exceeding five pounds for every such offence, and in the case of a continuing offence to a further penalty of five pounds for every day during which such offence continues, provided that the Undertakers shall not be subject to any such penalties as aforesaid, if the Court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Prohibition of overhead wires.

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

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

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

Notice of works, with plan, to be

14. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of distributing boxes)

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will involve the placing of any works in, under, along, or across any street or public bridge the following provisions shall have effect:—

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

served on the Postmaster General and local authority.

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

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

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

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

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster General and the local authority and the County Council for any loss or

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

For the purposes of this Order the word plan shall be held to mean a plan drawn to a horizontal scale of at least one inch to 88 feet, and where possible a section drawn to the same horizontal scale as the plan, and to a vertical scale of at least one inch to 11 feet, with such detail plan and section as may be necessary.

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

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

(*a.*) One month before commencing the execution of any such works (not being the repairs, renewals, or amendments of existing works of which the character and position are not altered) the Undertakers shall, in addition to any other notices which they may be required to give under this Order or the principal Act, serve a notice upon the body or person liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation is proposed to be paid or secured, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.

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

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

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

so as to avoid any interference with any traffic, so far as may be possible.

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

(*f.*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners, who shall have the right to be present during the execution of such works. And the word "railway" shall, for the purposes of this section, include any tunnel in or under any street or road which the Undertakers are authorised to break up.

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

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

16. The County Council, the local authority, and any body or person for the time being liable to repair any street or part of a street, or entitled to work any railway or tramway, which the Undertakers may be empowered to break up for the purposes of this Order, may, if they think fit, from time to time serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up, filling in, reinstating, or making good any streets, bridges, sewers, drains, tunnels, or other works vested in or under the control or management of the County Council, or the local authority, or other body or person, as the case may be,

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and may from time to time amend or revoke any such notice by another notice similarly served. Where the County Council, the local authority, or any such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers, then so long as such notice remains in force the following provisions shall have effect, unless otherwise agreed between the parties interested :—

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

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act, the Undertakers shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced, serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced, and the manner in which any such powers or duties are required to be exercised or discharged.

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

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

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

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

first day during which such offence continues: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

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

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

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

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

(*a.*) One month before commencing any such alteration the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alteration, and stating the amount of compensation (if any) proposed to be made in respect thereof, and the manner in which such compensation (if any) is proposed to be paid or secured, together with a

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plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.

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

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

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

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

(*f.*) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than 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 subsections shall be repaid to them by such operators, and may be recovered summarily before a court of summary jurisdiction, who shall have power to determine the amount thereof.

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

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

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

18. Whenever the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the County Council, or of any local authority, or any main pipe, syphon, or other work belonging to any gas or water company, or any branch or service pipe for the supply of gas or water has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers, or such gas or water company, (as the case may be), in this section

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referred to as the "operators," shall, unless otherwise agreed between the parties interested, or in case of sudden emergency, give to the County Council or local authority, or to such gas or water company, or to the Undertakers (as the case may be), in this section referred to as the "owners," not less than fourteen days' notice before commencing to dig or sink such trench as aforesaid, and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence, pipe, electric line, or work, and for securing access thereto, and they shall also, if required to do so by the owners thereof, repair any damage that may be done thereto.

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

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

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

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

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

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners

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

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

For protection of telephone companies, &c.

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

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

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

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

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position of the wires or lines affected thereby, and that such ignorance was not owing to any negligence on the part of the Undertakers.

Provision as to subways.

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

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

Compulsory Works.

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

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

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

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

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

As to laying of electric line under special agreement.

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

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

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

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

Manner in which requisition is to be made.

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

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

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

Provisions on requisition by owners or occupiers.

26. Where any such requisition is made by any such owners or occupiers as aforesaid, the Undertakers (if they think fit) may, within fourteen days after the service of the requisition upon them, serve a notice on all the persons by whom such requisition is signed, stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for two years, of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains, and any other mains or additions to existing mains which may be necessary for the purpose

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of connecting such distributing mains with the nearest available source of supply.

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

If any difference arises between the Undertakers and any persons signing any such requisition as to the reasonableness of the amounts specified by the Undertakers in their notice, such difference shall be determined by arbitration.

Provisions on requisition by local authority.

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

Maps.

Map of area of supply to be made.

28. The Undertakers shall forthwith, after commencing to supply energy under this Order, cause a map to be made of the area of supply on a horizontal scale of at least one inch to 88 feet, and shall cause to be marked thereon the line of all their then existing mains, service lines, and other underground works and distributing boxes, and shall also cause to be made sections on the same horizontal scale as the map and on a vertical scale of at least one inch to 11 feet showing the line and level of all their existing mains, and underground works other than service lines, and shall once in every year cause such map and sections to be duly corrected so as to show the then existing lines and levels.

Deposit and inspection of maps.

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

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

Penalty on Undertakers in respect of maps, &c.

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

Testing.

Appointment of electric inspectors by County Council.

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

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

32. If no electric inspector is appointed by the County Council, or if the County Council themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any person supplied with energy by the Undertakers within the area of supply, or of the Undertakers, may from time to time appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors for the purposes aforesaid.

Remuneration of electric inspectors.

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

Testing of mains.

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

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Testing of service lines.

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

Mode of testing.

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

Undertakers to establish testing stations.

37. The Undertakers shall at such places, within a reasonable distance from a distributing main, establish at their own cost and keep in proper condition such reasonable number of testing stations as the County Council shall deem sufficient for testing the supply of energy by the Undertakers through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Trade, and shall connect such stations by means of proper and sufficient electric lines with such mains, and supply energy thereto for the purpose of such testing.

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

Undertakers to keep instruments on their premises.

38. 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.

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

directed by the authority by whom he is appointed, and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers' instruments.

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

Representation of Undertakers at testings.

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

Report of results of testing.

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

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.

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

Undertakers to give facilities for testing.

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

Remedying of defects in mains, &c.

45. If at any time it appears to the County Council or the Board of Trade that any mains, electric lines, or works of the Undertakers are defective or

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not in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order, 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 County Council or the Board of Trade, dangerous to public safety, the Board of Trade may, if they think fit, 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.

46. The Undertakers shall, upon being required to do so by the owner or occupier of any premises situate within fifty yards from any distributing main of the Undertakers in which they are, for the time being, required to maintain or are maintaining a supply of energy for the purposes of general supply to private consumers under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, give and continue to give a supply of energy for such premises in accordance with the provisions of this Order, and of all such regulations and conditions as aforesaid, and they shall furnish and lay any electric lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Order, subject to the conditions following; (that is to say,)

The cost of so much of any electric line for the supply of energy to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such electric lines as it may be necessary to lay for a greater distance than sixty feet from any distributing main of the Undertakers, although not on such property, shall, if the Undertakers so require, be defrayed by such owner or occupier.

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

Serve a notice upon the Undertakers specifying the premises in respect of which such supply is required and the maximum power required to be supplied, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence; and,

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of energy for a period of at least two years of such an amount that the payment to be made for the

same, at the rate of charge for the time being charged by the Undertakers for a supply of energy to ordinary consumers within the area of supply, shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any electric lines required under this section to be provided by them for the purpose of such supply, and give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

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

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

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

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

Maximum power.

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

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

Supply of energy to public lamps.

48. The Undertakers, upon receiving reasonable notice from the local authority requiring them to supply energy to any public lamps within the distance of seventy-five yards from any distributing main of the Undertakers in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Order, or any regulations and conditions subject to which they are authorised to supply energy under this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Penalty for failure to supply.

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

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

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

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

Price.

Methods of charging.

50. The Undertakers may charge for energy supplied by them 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 County Council and the local authority by what method they propose to charge for energy supplied through such main; and, where the Undertakers have given any such notice, they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the County Council and the local authority and to every consumer of energy who is supplied by them from such main.

Provided also, that when the Undertakers have given notice that they propose to charge by the number of hours and the maximum power in manner above described, any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual quantity of energy supplied to him, or by the electrical quantity contained in such supply, and thereafter the Undertakers shall not, except with the consumer's consent, charge him by any other method.

Maximum prices.

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

Provided that if the County Council, 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.

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

Price to public lamps.

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

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Meters and Apparatus.

Meters to be used except by agreement.

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

Meter to be certified.

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

Fees for certifying meters.

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

Undertakers to supply meters if required to do so.

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

Meters not to be connected or disconnected without notice.

58. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter

from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Consumer to keep his meter in proper order.

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

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.

60. The Undertakers may let for hire any meter for ascertaining the value of the supply, and any fittings thereto, and any other apparatus required for their undertaking, for such remuneration in money, and on such terms with respect to the repair of such meter or apparatus and fittings, and for securing the safety and return to the Undertakers of such meter or apparatus and fittings as may be agreed upon between the hirer and the Undertakers, or in case of difference decided by the Board of Trade, and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meters let for hire in repair.

61. The Undertakers shall, unless the agreement of hire otherwise provides, at all times, at their own expense, keep all meters let for hire by them to any consumer, whereby the value of the supply is ascertained, in proper order for correctly registering such value, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times: Provided that the expenses of procuring any such meter to be again duly certified where such re-certifying is thereby rendered necessary shall be paid by the Undertakers.

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

62. If any difference arises between any consumer and the Undertakers as to whether any meter, whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers), is or is not in proper order for correctly registering such value, or as to whether such value has been correctly registered in any case by any meter, such difference shall be determined upon the application of either party by an electric inspector or, where the County Council are the consumers, by an inspector to be appointed by the Board of Trade, who shall determine the value which ought to have been registered and also order by which of the parties the costs of the proceedings before him shall be paid, and the decision of such inspector

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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.

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

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

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

Notices, &c.

Notices, &c. may be printed or written.

65. Notices, orders, and other documents under this Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the County Council or the local authority, the signature thereof by the clerk or surveyor to the County Council or the local authority shall be sufficient authentication.

Service of notices, &c.

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

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

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

(*c.*) In the case of the County Council, the office of the said Council;

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

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

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

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

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

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

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

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

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

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

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

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

Revocation of Order with consent.

69. In addition to any other powers which the Board of Trade may have in that behalf, they may revoke this Order at any time with the consent and

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concurrence of the Undertakers the County Council and the local authority upon such terms as the Board of Trade may think just.

Provisions where Order revoked.

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

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

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

(*c.*) Where no purchase is effected by the local authority under the provisions of the last subsection, and any other local authority, company, or person is willing to purchase the undertaking, or such part of it as aforesaid, the Board of Trade, if they think fit, may, with the consent of the local authority, and the Undertakers, or without the consent of the Undertakers in case the price is not less than that for which the local authority might have purchased the same under this section, direct that the undertaking, or such part thereof as aforesaid, shall be transferred to such other local authority, company, or person, and thereupon on the payment of the value of the same agreed or estimated as aforesaid, the undertaking, or such part thereof as aforesaid, shall be so transferred.

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

(*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.

71. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs

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of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings where approval of Board of Trade is required.

72. 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.

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

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

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

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

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

Recovery of penalties.

76. 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.

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

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

Undertakers to be responsible for all damages.

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

As to mortgages.

78. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof in the event of the undertaking or such part being purchased or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be endorsed with notice to that effect.

Saving clause for Postmaster General.

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

As to crossing London bridges.

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

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

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

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For protection of railway companies.

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

Saving for embankments, &c. of County Council.

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

Undertakers not exempted from proceedings for nuisance.

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

Provision as to general Acts.

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

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

Parish of St. Marylebone.

SECOND SCHEDULE.

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

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

Upper Hamilton Terrace.
Hamilton Terrace.
Abbey Road.
Grove End Road.
Finchley Road.
Wellington Road.
Acacia Road.
St. John's Wood Road.
Albert Road.
Park Road.
Lisson Grove.
Upper Gloucester Place.

Park Square East.	Lower Berkeley Street.	A.D. 1889.
Maida Vale.	Manchester Square (Western Half).	*West London.*
Grove Road.	Duke Street (Wigmore Street to Manchester Square).	
Marylebone Road (both sides).	Weymouth Street.	
Edgware Road (Maida Vale to Marble Arch, east side).	Wigmore Street.	
Upper George Street.	Cavendish Place.	
Upper Berkeley Street.	Henrietta Street.	
Seymour Street.	Cavendish Square (four sides).	
Bryanston Street.	Welbeck Street (Great Marylebone Street to Wigmore Street).	
Marble Arch.	Devonshire Place.	
Bryanston Square (four sides).	Wimpole Street.	
Montagu Square (four sides).	Upper Wimpole Street.	
Gloucester Place.	Harley Street.	
Gloucester Street.	Park Crescent.	
Portman Street.	Portland Place.	
Portman Square (four sides).	Langham Place.	
Granville Place.	Regent Street.	
York Place.	Great Portland Street.	
Baker Street.	Vere Street.	
Orchard Street.	Margaret Street, Cavendish Square.	
Blandford Street.		
Manchester Street, from Blandford Street to Manchester Square.		

THIRD SCHEDULE.

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

(*a.*) *Streets.*—None.

(*b.*) *Railways.*—None.

(*c.*) *Tramways.*—None.

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FOURTH SCHEDULE.

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

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

Section 1.

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

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the quantity of energy supplied to him being taken to be the product of such electrical quantity and the standard pressure at the point of junction of the distributing mains and the service lines by which he is supplied.

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

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.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
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