CHAPTER civ.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birmingham, Cardiff, Exeter, Ipswich (Ipswich Electricity Supply Company), Ipswich (Laurence, Scott, and Co.), and Whitby. A.D. 1891.

[3rd July 1891.]

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

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

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

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

1. This Act may be cited as the Electric Lighting Orders Confirmation (No. 8) Act, 1891. Short title.

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

A.D. 1891.

SCHEDULE.

LIST OF ORDERS.

1. BIRMINGHAM.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Birmingham Electric Supply Company, Limited.

2. CARDIFF.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Mayor, Aldermen, and Burgesses of the County Borough of Cardiff.

3. EXETER.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Exeter Electric Light Company, Limited.

4. IPSWICH (IPSWICH ELECTRICITY SUPPLY COMPANY, LIMITED).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Ipswich Electricity Supply Company, Limited.

5. IPSWICH (LAURENCE, SCOTT, and Co.).—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to Laurence, Scott, and Co., Limited.

6. WHITBY.—Provisional Order granted by the Board of Trade, under the Electric Lighting Acts, 1882 and 1888, to the Whitby District Local Board.

BIRMINGHAM ELECTRIC LIGHT AND POWER.

A.D. 1891.

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

Birmingham.

Preliminary.

Short title.

1. This Order may be cited as the Birmingham Electric Light and Power Order 1891.

This Order to be read in conjunction with the Birmingham Electric Light and Power Order 1889.

2. The Birmingham Electric Light and Power Order 1889 herein-after called "the principal Order" and this Order shall be read and construed together as one Order and may be cited together as the Birmingham Electric Light and Power Orders 1889 and 1891.

Interpretation.

3. The expressions used in this Order shall have the same meanings as those attached by the principal Order to the same expressions used therein.

Commencement of Order.

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

Undertakers.

Address and description of Undertakers.

5. The Undertakers for the purposes of this Order are the Birmingham Electric Supply Company Limited who by virtue of section four of the principal Order are the present Undertakers for the purposes of the principal Order and whose registered office is situate at 120 Colmore Row in the city of Birmingham.

Substituted area of supply.

6. Subject to the provisions of this Order the area of supply for the purposes of the principal Order and this Order shall be the area included in the First Schedule to this Order and that schedule shall be substituted for Schedule A annexed to the principal Order and the principal Order shall be read and construed accordingly.

Amendment of s. 2 of the principal Order.

7. Section two of the principal Order is hereby amended by the addition of the following definitions:—

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

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

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

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

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to 88 feet and where possible a section drawn

A.D. 1891.

Birmingham.

to the same horizontal scale as the plan and to a vertical scale of at least one inch to 11 feet with such detail plan and sections as may be necessary.

Prohibition of overhead wires.

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

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

9. Section eleven of the principal Order is hereby repealed and the following section shall be substituted in lieu thereof:—

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

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

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

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

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

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

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

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

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

Amendment of s. 12 of the principal Order.

10. Section twelve of the principal Order is hereby amended and shall be read and construed as if after sub-section (*e*) the following sub-section had been inserted:—

(*e*[1]) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than 24 hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

Amendment of s. 17 of the principal Order.

11. Section seventeen of the principal Order is hereby amended in manner following that is to say the said section shall be read and construed (*a*) as if, in respect of the parts of the area of supply included in Parts I. and II. of the Second Schedule to this Order a period of one year after the commencement of this Order were substituted for the period of three years after the commencement of that Order and (*b*) as if in respect of the part of the area of supply included in Part III. of the Second Schedule a period of three years after the commencement of this Order were substituted for the like period after the commencement of that Order and all provisions of the principal Order referring to that section shall be read and construed accordingly.

A.D. 1891.

Birmingham.

Provided that nothing in this section shall affect section seventeen of the principal Order so far as it relates to so much of the area of supply as is not described in the Second Schedule to this Order.

Amendment of s. 34 of the principal Order.

12. Section thirty-four of the principal Order is hereby amended and shall be read and construed as if the words "local authority" were therein substituted for "county council."

Remedying of system and works.

13. Section thirty-six of the principal Order is hereby repealed and the following section shall be substituted in lieu thereof :—

If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

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

Additions to Sched. B. of principal Order.

14. The principal Order shall be read and construed as if the streets and tramways mentioned in the Third Schedule to this Order had been included in Schedule B.

Application of s. 2 of Electric Lighting Act 1888 to this Order.

15. The period of forty-two years mentioned in section two of the Electric Lighting Act 1888 shall for the purposes of the principal Order and this Order be reckoned from the commencement of the principal Order.

Cesser of powers &c. as

16. From and after the commencement of this Order all powers duties and liabilities of the Undertakers with respect to so much of the area included in

Schedule A to the principal Order as is not included in the First Schedule to this Order shall absolutely cease and determine.

Birmingham. to part of area of supply.

SCHEDULES.

THE FIRST SCHEDULE.

Area of Supply as constituted by this Order.

So much of the city of Birmingham as lies within a line drawn along the following streets and parts of streets namely :—

From the junction of Edmund Street and Easy Row along Edmund Street to its junction with Livery Street and thence along Livery Street to its junction with Colmore Row and thence along Colmore Row to its junction with Bull Street and thence along Bull Street to its junction with the Minories and thence along the Minories to its junction with the Old Square and thence round the Old Square to the corner of the Upper Priory and thence continuing round the Old Square down Corporation Street to its junction with Lawrence Street and thence back along Corporation Street to its junction with Newton Street and thence along Newton Street to its junction with Dale End and thence along Dale End to its junction with Masshouse Lane and thence along Masshouse Lane to its junction with Moor Street and thence along Moor Street to its junction with the Bull Ring thence across the Bull Ring and along Bell Street to its junction with Worcester Street thence along Worcester Street to its junction with New Street thence along New Street to its junction with Stephenson Place thence along Stephenson Place to its junction with Stephenson Street thence along Stephenson Street to its junction with Pinfold Street thence along Pinfold Street to its junction with New Street thence along New Street to its junction with Paradise Street thence along Paradise Street to its junction with Easy Row and thence along Easy Row to its junction with Edmund Street.

Provided that all premises abutting on any part of the said streets through which the said line is drawn shall be deemed to be within the area of supply.

THE SECOND SCHEDULE.

Areas added to Area of Supply by this Order.

The several parts of the city of Birmingham which lie between the respective lines formed by the following streets or parts of streets respectively namely :—

Part I. From the junction of New Street and Stephenson Place along Stephenson Place to its junction with Stephenson Street and thence

A.D. 1891.

Birmingham.

along Stephenson Street to its junction with Pinfold Street and thence along Pinfold Street to its junction with New Street and thence along New Street to its junction with Stephenson Place.

Part II. From the junction of High Street and Carr's Lane along Carr's Lane to its junction with Moor Street and thence along Moor Street to its junction with the Bull Ring and thence along the Bull Ring to its junction with High Street and thence along High Street to its junction with Carr's Lane.

Part III. From the junction of Bull Street, High Street, New Meeting Street, and Albert Street along Albert Street to its junction with Moor Street and thence along Moor Street to its junction with Masshouse Lane and thence along Masshouse Lane to its junction with Dale End and thence along Dale End to its junction with Newton Street and thence along Newton Street to its junction with Corporation Street and thence along Corporation Street to its junction with Bull Street and thence along Bull Street to its junction with High Street, New Meeting Street, and Albert Street.

Provided that all streets or parts of streets forming part of the respective boundaries of any of the areas specified in this schedule shall be construed to be included in such area except where such streets or parts of streets already formed part of the area of supply before the commencement of this Order.

THE THIRD SCHEDULE.

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

Burlington Passage.
Peel Passage.
Colonnade Passage.
Nelson Passage.
A passage leading out of High Street towards Moor Street (unnamed).

(*B.*) Tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

Birmingham and Aston Tramways.
Birmingham Central Tramways.

CARDIFF ELECTRIC LIGHTING.

A.D. 1891.

Cardiff.

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

Preliminary.

Short title.

1. This Order may be cited as the Cardiff Electric Lighting Order 1891.

Interpretation.

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

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

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

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

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

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

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement ;

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

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

A.D. 1891.

Cardiff.

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

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

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

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

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

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

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

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

Commencement of Order.

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

Description of the Undertakers.

Description of Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the mayor aldermen and burgesses of the county borough of Cardiff.

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.

Nature and Mode of Supply.

Systems and mode of supply.

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

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

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

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

Lands.

Purchase and use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole ten acres except with the consent of the Board of Trade.

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

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

Works.

Powers for execution of works.

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

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local

A.D. 1891.

Cardiff.

authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section 13 of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes.

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

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

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

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

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

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

(*c*) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire

into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

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

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

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

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

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

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

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

A.D. 1891.

Cardiff.

the "owners" describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and placed and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

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

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

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

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

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

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

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

In this section the expression "canal" includes any feeder used for supplying with water the Bute Docks or any works of the Bute Docks Company.

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

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

(*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

A.D. 1891.

Cardiff.

conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable;

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

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

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

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

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

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

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested:—

(*a*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as

"the operators" shall serve a notice upon the body or persons for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

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

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

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

A.D. 1891.

Cardiff.

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

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

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

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

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

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

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes other than service pipes or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as "the operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as "the owners" not less than three days notice before commencing to dig or sink such trench as aforesaid

and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

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

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

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

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

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

For protection of railway and canal companies.

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

For protection of telegraphic and telephonic wires.

16. (1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all

A.D. 1891.

Cardiff.

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

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

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

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

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings: Provided that the Undertakers shall not be subject to any such

penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

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

Compulsory Works.

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

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

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

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

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

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

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may 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 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]

A.D. 1891.

Cardiff.

Manner in which requisition is to be made.

19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers.

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

Provisions on requisition by owners or occupiers.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for the supply of energy from distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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 the 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 guarantee that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is

unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly.

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

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

Supply.

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

21. The Undertakers shall upon being required so to do 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

A.D. 1891.

Cardiff.

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 become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them.

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

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

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

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

Maximum power.

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

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his

premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Penalty for failure to supply.

23. 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 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.

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

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

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

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

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

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

Maximum prices.

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

A.D. 1891.

Cardiff.

Other charges by agreement.

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

Electric Inspectors.

Appointment of electric inspectors.

27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

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

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

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

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

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

Remuneration of electric inspector.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade 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 or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers 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 Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by Board of Trade.

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

Testing and Inspecting.

Testing of mains.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector

and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

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

Undertakers to establish testing stations.

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

Undertakers to keep instruments on their premises.

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

Readings of instruments to be taken.

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

Electric inspector may test Undertakers instruments.

35. 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

A.D. 1891.

Cardiff.

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.

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

Undertakers to give facilities for testing.

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

Report of results of testing.

38. 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 also to the Undertakers and such report shall be receivable in evidence.

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

Expenses of electric inspector.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt.

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

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

Meters.

Meters to be used except by agreement.

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

Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

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

Inspector to certify meters.

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

Undertakers to supply meters if required to do so.

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

44. 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.

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

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly

A.D. 1891.

Cardiff.

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.

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

Undertakers to keep meter let for hire in repair.

47. 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.

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

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

49. 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.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such

supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

Maps.

Map of area of supply to be made and deposited.

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

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

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

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

Application of Moneys received

Application of revenue.

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

(1) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon

A.D. 1891.

Cardiff.

any proceedings by or against the Undertakers their officers or servants in relation to the undertaking;

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

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

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

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

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

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

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

Application of capital moneys.

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

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

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

Notices &c.

Notices &c. may be printed or written.

54. Notices orders and other documents under this Order may be in writing or in print or partly in writing and partly in print and where any notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Service of notices, &c.

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

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

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

(*c*) In the case of the Undertakers the office of the town clerk of Cardiff ;

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

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

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

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

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

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

Revocation of Order.

Revocation where works not executed.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just.

A.D. 1891.

Cardiff.

Revocation of Order with consent.

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

Provisions where Order revoked.

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

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

Transfer of Powers &c.

Transfer of powers &c.

59. (1) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3) Every such advertisement shall contain the following particulars:—

(*a*) The area in respect of which the transfer is proposed to be made;

(*b*) The period for which the transfer is proposed to be made;

(*c*) The rent or other pecuniary consideration in respect of the transfer;

(*d*) A general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

(*e*) The address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale;

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last-mentioned deed.

(5) When in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities if any.

General.

Remedying of system and works.

60. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth or have placed any electric line above

A.D. 1891.

Cardiff.

ground in contravention of this Order or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

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

Publication of regulations.

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

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

Nature and amount of security.

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

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

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

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

As to approval or consent of Board of Trade.

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

All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor.

Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may 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.

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

Recovery and application of penalties.

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

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

Undertakers to be responsible for all damages.

67. 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

A.D. 1891.

Cardiff.

by whom any street is repairable and all other authorities companies and bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

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

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

Saving clause for Postmaster-General.

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

Saving rights of the Crown in the foreshore.

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

Undertakers not exempted from proceedings for nuisance.

71. 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.

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

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

The whole of the county and municipal borough of Cardiff as the same is constituted at the commencement of this Order.

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 :—

Queen Street.
Duke Street.
Castle Street.
High Street.
St. Mary Street.
St. John Street.
Working Street.
The Hayes.
Trinity Street.
Wharton Street.
Church Street.
Caroline Street.
Custom House Street.
Bute Street, from Custom House Street to the Hayes.

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—

Ferry Road.
Penarth Road.
Windsor Road.
Footpath on north side of Tyndall Street.
Bute Place.
Bute Crescent.
Barrack Lanes.
Back Charles Street.
The Tunnel.
Great Western Railway Station Approach Road.
Rhymney Railway Station Approach Road.

(*b*) Railways—

So much of the level crossings of the Taff Vale Railway Company leading from that company's main line Bute Docks terminus across Bute Street to the west yard of the said company as are situate between the eastern and western sides of the said street.

The level crossings of the Great Western Railway Company in Pengam Road Beresford Road Windsor Road Pellet Street Leckwith Road the road leading from Cowbridge Road to the Infectious Hospital site and the road leading from Cowbridge Road at Ely Common to the Canton Moors.

(*c*) Tramways—

The Cardiff Tramways.
The Cardiff District and Penarth Harbour Tramways.

A.D. 1891.

Cardiff.

FOURTH SCHEDULE.

In this schedule—

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

Section 1.

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

Section 2.

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

EXETER ELECTRIC LIGHTING.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 *and* 1888, *to the Exeter Electric Light Company, Limited, in respect of the City and County of the City of Exeter.*

A.D. 1891.

Exeter.

Preliminary.

1. This Order may be cited as the Exeter Electric Lighting Order, 1891. Short title.

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

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

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

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

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

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

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

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

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

A.D. 1891.

Exeter.

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

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

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

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

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

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

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

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

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 Exeter Electric Light Company, Limited, being a company registered under the Companies Acts, 1862 to 1886, with limited liability, and having its registered offices at the Rockfield Works, New North Road, in the county of the city of Exeter.

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

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

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

Area of Supply.

Area of supply.

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

Prohibition of supply beyond area of supply.

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

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

Security and Accounts.

Security for execution of works.

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

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

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

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

Separate accounts to be kept of undertaking.

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

A.D. 1891.

Exeter.

Audit of Undertakers accounts.

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

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

The Board of Trade may 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.

Any report made by the auditor or such portion thereof as the Board of Trade shall direct shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section nine.

Nature and Mode of Supply.

Systems and mode of supply.

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

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

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

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

Works.

Powers for execution of works.

11. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by

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

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

Street boxes.

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

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

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

The local authority may with the approval of the Board of Trade prescribe the hours during which the Undertakers are to have access to such boxes, and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable to a penalty not exceeding five pounds for every such offence, and to a daily penalty not exceeding five pounds. Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the

A.D. 1891.

Exeter.

Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

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

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of 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 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, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included ;

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

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

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

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

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

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

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

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

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

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

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

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

A.D. 1891.

Exeter.

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

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

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

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

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

A.D. 1891.

Exeter.

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

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

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

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

A.D. 1891.

Exeter.

powers or duties as aforesaid, give information thereof in writing to the givers of the notice;

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

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

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

Provided that nothing in this 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.

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

(a) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines or works (as the case may be), in this section referred to as "the owners," describing

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

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

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

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

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

(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

A.D. 1891.

Exeter.

be subject to in executing such alterations so far as the same may be applicable.

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

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

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

(k) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such 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, pipes, &c. near sewers &c. or gas or water pipes or other electric lines.

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as "the operators," shall unless otherwise agreed between the parties interested or in case of sudden emergency give to the local authority, or to such gas, electric supply, or water company, or to the Undertakers (as the case may be), in this section referred to as "the owners," not less than three days notice before commencing to dig or sink such trench as aforesaid, and

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

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

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

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

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty or costs which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances, or that the default in question was 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 purpose of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power, and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

For protection of railway and canal companies.

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

A.D. 1891.

Exeter.

For protection of telegraphic and telephonic wires.

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

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

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

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

(3) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every

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

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

Compulsory Works.

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

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

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

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

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

As to laying of electric line under special agreement.

21. 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

A.D. 1891.

Exeter.

origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

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

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

Manner in which requisition is to be made.

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

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

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

Provisions on requisition by owners or occupiers.

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

mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice. Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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

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

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

Provisions on requisition by local authority.

25. 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

A.D. 1891.

Exeter.

respect of which such requisition is made as may be under their management or control.

Supply.

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

26. 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 become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always that the Undertakers may (after they have given a supply of energy for any premises) by notice in writing, require the owner or occupier of such premises within seven days after the date of the service of such notice to give to them security for the payment of all moneys which may become

due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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

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

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

Maximum power.

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

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

Supply of energy to public lamps.

28. 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 require to be supplied.

Penalty for failure to supply.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to

A.D. 1891.

Exeter.

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.

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

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

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

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

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

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

Maximum prices.

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

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

Other charges by agreement.

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

Price to public lamps.

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

Electric Inspectors.

Appointment of electric inspectors

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

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

A.D. 1891.

Exeter.

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

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

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

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

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

Remuneration of electric inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine and such remuneration may be in addition to or in substitution for any fees directed to be paid to electric inspectors in respect of their duties under this Order, or any regulations of the Board of Trade made in pursuance of this Order, or the principal Act according as the local authority shall determine.

Inquiry by Board of Trade.

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

Testing and Inspection.

Testing of mains.

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

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

Testing of works and supply on consumer's premises.

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

Undertakers to establish testing stations.

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

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

Undertakers to keep instruments on their premises.

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

Readings of instruments to be taken.

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

Electric inspector may test Undertakers instruments.

42. 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

A.D. 1891.

Exeter.

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 testing.

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

Undertakers to give facilities for testings.

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

Report of results of testing.

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

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

Expenses of electric inspector.

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

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

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

Meters.

Meters to be used except by agreement.

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

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

Meter to be certified.

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

Inspector to certify meters.

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

Undertakers to supply meters if required to do so.

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

51. 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.

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

A.D. 1891.

Exeter.

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

Power to the Undertakers to let meter.

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

Undertakers to keep meter let for hire in repair.

54. 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.

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

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

56. 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.

A.D. 1891.

Exeter.

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

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

Maps.

Map of area of supply to be made and deposited.

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

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

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

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

Purchase by Local Authority.

Purchase by local authority

59. The option of purchasing the undertaking under the provisions of section two of the Electric Lighting Act, 1888, may be exercised by the local

A.D. 1891.

Exeter.

authority within six months after the expiration of twenty-six years after the commencement of this Order, or within six months after the expiration of thirty-four years after the commencement of this Order. Provided that the local authority shall, in addition to the sum payable for the value of the lands, buildings, works, materials, and plant of the Undertakers determined in the mode provided by that section pay to the Undertakers –if the option is exercised as first above mentioned—a sum equal to the net profits of the undertaking for the preceding five years, or—if the option is exercised as secondly above mentioned—a sum equal to the net profits for the preceding three years.

If the said option is not exercised under the foregoing provisions of this section, the provisions of the Electric Lighting Act, 1888, shall apply as if this section had not been included in this Order.

Special Provisions in case of Transfer.

Application of moneys received by local authority as Undertakers.

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

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

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

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

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

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

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

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

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

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

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

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

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

Purchase and use of lands.

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

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order:

Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

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

For the purposes of this section the expression "labouring class" means and includes mechanics, artisans, labourers, and others working for wages,

A.D. 1891.

Exeter.

hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

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

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

Notices, &c.

Notices, &c. may be printed or written.

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

Service of notices, &c.

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

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

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

(c) In the case of any local authority the office of such local authority;

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

(e) In the case of a company having an office or offices but no registered office, the principal office of that company;

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

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

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

Subject to the provisions of this Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days, the following days shall not be

reckoned in the computation of such time, that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation or thanksgiving.

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

65. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may, after such inquiry as they think necessary, and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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

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

Revocation of Order with consent.

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

Provisions where Order revoked.

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

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

(b) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority if they think fit may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such 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 or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the

A.D. 1891:

Exeter.

Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act;

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

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

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

(e) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area, or part thereof as aforesaid, or the exercise of any powers by this Order granted to the Undertakers, or for any expenses to which such local authority, body, or person may have been put in removing any works of the Undertakers within such area or part thereof under the provisions of this Order, such compensation shall be a first charge on any money that may have been

deposited or secured by the Undertakers under the provisions of this Order in respect of such area or part thereof and which may not have been repaid or released to the Undertakers, and such money shall be applied rateably in satisfying such claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by an arbitrator to be appointed by the Board of Trade, whose decision shall be final and binding on all parties.

General.

Remedying of system and works.

69. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order; or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order, or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (*c*) that any work of the Undertakers, or their supply of energy, is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary, so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

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

Publication of regulations.

70. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking, and for the time being in force, shall, within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true

A.D. 1891.

Exeter.

copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same, at a price not exceeding sixpence for each copy.

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

Nature and amount of security.

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

Proceedings of Board of Trade.

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

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

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

Approval or consent of Board of Trade.

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

permit such approval to be continued, subject to such modifications as they may think necessary.

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

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

Recovery and application of penalties.

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

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

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

Undertakers to be responsible for all damages.

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

A.D. 1891.

Exeter.

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

Saving clause for Postmaster-General.

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.

Undertakers not exempted from proceedings for nuisance.

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

Provision as to general Acts.

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

Temporary Provision.

Removal of existing overhead wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is permitted by this Order) they shall be removed by the Undertakers within a period of one year after such commencement.

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

SCHEDULES.

FIRST SCHEDULE.

AREA OF SUPPLY.

The whole of the city and county of the city of Exeter as the same is constituted at the commencement of this Order.

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 :—

That part of New North Road which lies between the bridge over the London and South-western Railway and London Inn Square.

London Inn Square.
Sidwell Street.
High Street.
Fore Street.
North Street.
New Bridge Street.
Bedford Street.
Bedford Circus.
Queen Street.
Gandy Street.
St. Martin's Lane.
South Street.
Paris Street.

THIRD SCHEDULE.

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

(*a.*) Streets.

The Cathedral Close.

(*b.*) Railways.

None.

(*c.*) Tramways.

The tramways belonging to the Exeter Tramways Company.

FOURTH SCHEDULE.

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

A.D. 1891.

Exeter.

Section 1.

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

Section 2.

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

IPSWICH ELECTRIC LIGHTING.

A.D. 1891.

Ipswich.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 *and* 1888, *to the Ipswich Electricity Supply Company, Limited, in respect of the Municipal Borough of Ipswich.*

Preliminary.

Short title.

1. This Order may be cited as the Ipswich Borough Electric Lighting Order, 1891.

Interpretation.

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

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

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

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

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

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

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

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

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 Ipswich Electricity Supply Company Limited, being a company registered under the Companies Acts, 1862 to 1890, with limited liability, and having its registered offices at No. 112, Belvedere Road, London, S.E.

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

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

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

Area of Supply.

Area of supply.

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

Prohibition of supply beyond area of supply.

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

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

Security and Accounts.

Security for execution of works.

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

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

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

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

Separate accounts to be kept of undertaking.

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

A.D. 1891.

Ipswich.

Audit of Undertakers accounts.

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

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

The Board of Trade may 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.

Any report made by the auditor, or such portion thereof as the Board of Trade shall direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of this section.

Nature and Mode of Supply.

Systems and mode of supply.

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

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

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

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

(4.) 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 of works.

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

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

Street boxes.

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

Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade may otherwise order,

A.D. 1891.

Ipswich.

and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing or controlling the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking; and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus for any of the above purposes.

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

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

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

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of 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 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, give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

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

(*c.*) Where the Postmaster-General or the local authority approve any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied, or disapprove of any such works or plan, the Undertakers may appeal to the Board of Trade, and the Board of

Trade may inquire into the matter, and allow or disallow such appeal, and approve any such works or plan, subject to such amendments or conditions as may seem fit, or may disapprove the same.

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

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

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

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

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

14. 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

A.D. 1891.

Ipswich.

liable to repair such street or part of a street, or the body or person for the time being entitled to work such railway or tramway, or the owners of such canal (as the case may be), in this section referred to as the "owners," describing the proposed works, together with a plan of the works showing the mode and position in which such works are intended to be executed and placed, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

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

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

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

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the Undertakers may, upon paying or securing any compensation which they may be required to pay or secure, cause to be executed the works specified in such notice and plan as aforesaid, and may 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 hereinbefore mentioned, or as may be agreed upon between the parties.

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

(*g.*) Where the repair, renewal, or amendment of any existing works, of which the character or position are not altered, will involve any interference with any railway level crossing or any tramway over or under which such works have been placed, the Undertakers shall, unless otherwise agreed between the parties, or in cases of emergency, give to the owners not less than 24 hours notice before commencing to effect such repair, renewal, or amendment, and the owners shall be entitled by

their officer to superintend the work, and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

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

Provided that nothing in this 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.

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

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

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

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

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

A.D. 1891.

Ipswich.

may have been settled by arbitration as herein-before mentioned, or as may be agreed upon between the parties.

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

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

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

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

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

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

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not exceeding five pounds: Provided that the operators shall

not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

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

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

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

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

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

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

A.D. 1891.

Ipswich.

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

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

For protection of railway and canal companies.

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

For protection of 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 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.

Compulsory Works.

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

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

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

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

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

As to laying of electric line under special agreement.

21. 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

A.D. 1891.

Ipswich.

termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require, in accordance with the provisions of this Order, that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

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

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

Manner in which requisition is to be made.

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

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

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

Provisions on requisition by owners or occupiers.

24. 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 three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will, at the rates of charge for the time being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as

shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not, without the authority of the Board of Trade, specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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

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

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

Provisions on requisition by local authority.

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

A.D. 1891.

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

Supply.

26. 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 become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given

has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of such notice, the Undertakers may, if they think fit, discontinue to supply energy for such premises so long as such failure continues.

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

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

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

Maximum power.

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

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

Supply of public lamps.

28. 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 require to be supplied.

Penalty for failure to supply.

29. Whenever the Undertakers make default in supplying energy to any owner or occupier of premises to whom they may be and are required to

A.D. 1891.

Ipswich.

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.

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

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

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

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

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

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

Maximum prices.

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

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

Other charges by agreement.

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

Price to public lamps.

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

Electric Inspectors.

Appointment of electric inspectors.

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

Remuneration of electric inspectors.

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

Inquiry by Board of Trade.

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

Testing and Inspection.

Testing of mains.

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

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

Testing of works and supply on consumer's premises.

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

Undertakers to establish testing stations.

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

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

Undertakers to keep instruments on their premises.

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

Readings of instruments to be taken.

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

Electric inspectors may test Undertakers instruments.

42. 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

A.D. 1891.

Ipswich.

same are not in order he may require the Undertakers forthwith to have the same put in order.

Representation of Undertakers at testings.

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

Undertakers to give facilities for testing.

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

Report of results of testing.

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

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

Expenses of electric inspectors.

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

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

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

Meters.

Meters to be used, except by agreement.

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

in this Order referred to as "the value of the supply," shall, except as otherwise agreed between such consumer and the Undertakers, be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meters to be certified.

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

Inspectors to certify meters.

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

Undertakers to supply meters if required to do so.

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

51. 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.

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

A.D. 1891.

Ipswich.

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

Power to the Undertakers to let meter.

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

Undertakers to keep meter let for hire in repair.

54. 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.

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

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

56. 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.

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

Maps.

Map of area of supply to be made and deposited.

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

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

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

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

A.D. 1891.

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

Special Provisions in case of Transfer.

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

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

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

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

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

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

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

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

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking. the Undertakers shall make such a rateable reduction in the

charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit, but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the local authority.

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

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

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

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

Purchase and use of lands.

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

Subject to the provisions of this Order and the principal Act, the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order, and may also for such purposes use any other lands which may for the time being be vested in or leased by them, but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres, except with the consent of the Board of Trade.

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

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

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

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

A.D. 1891.

Ipswich.

this Order and the principal Act, and the "local authority" shall mean the local authority as such Undertakers.

Notices, &c.

Notices, &c. may be printed or written.

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

Service of notices, &c.

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

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

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

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

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

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

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

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

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

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

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

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

64. If at any time after the commencement of this Order the local authority make a representation to the Board of Trade that the Undertakers have made any default in executing works or supplying energy in accordance with the

terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade shall inquire into the truth of such representation, and if upon such inquiry they are satisfied of the truth of such representation they may, after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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

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

Revocation of Order with consent.

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

Provisions where Order revoked.

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

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

(*b.*) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such 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 or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

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

A.D. 1891.

Ipswich.

aforesaid, is purchased in relation to the supply of energy within such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

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

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

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

General.

Ipswich.
Remedying of system and works.

68. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade, or have permitted any part of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order; or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (*c*) that any works of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

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

Publication of regulations.

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

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

A.D. 1891.

Ipswich.

Nature and amount of security.

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

Proceedings of Board of Trade.

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

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

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

Approval or consent of Board of Trade.

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

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

73. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority, or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two

successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Ipswich.

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

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

Recovery and application of penalties.

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

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

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

Undertakers to be responsible for all damages.

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

As to mortgages.

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

Saving clause for Postmaster-General.

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

Saving rights of the Crown in the foreshore.

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

A.D. 1891.

Ipswich.

any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Undertakers not exempted from proceedings for nuisance.

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

Provision as to general Acts.

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

Temporary Provision.

Removal of existing overhead wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order (except so far as the placing thereof above ground is necessary for the purposes of supply) they shall be removed by the Undertakers within a period of one year after such commencement.

Within nine months after the commencement of this Order the Undertakers shall furnish to the local authority a description of the electric lines, if any, which in their opinion are necessarily placed above ground and ought not to be removed, and any dispute between the Undertakers and the local authority as to whether any such electric lines are necessarily so placed shall be determined by the Board of Trade, and in any proceeding under this section by or at the instance of the local authority, the decision of the Board of Trade shall be conclusive evidence of the fact that such electric lines are or are not necessarily so placed as the case may be.

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

SCHEDULES.

FIRST SCHEDULE

Area of Supply.

The municipal borough of Ipswich as the same is constituted at the commencement of this Order.

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 area of supply :—

St. Matthews Street from Westgate Street to its junction with Berners Street, Westgate Street, Cornhill, Tavern Street, Carr Street from Upper Brook Street to Cox Lane, Old Foundry Road from Northgate Street to Great Coleman Street, Northgate Street, Upper Brook Street, Tacket Street from Upper Brook Street to the entrance gate of Tacket Street Chapel, Butter Market, Princes Street from Cornhill to the Cattle Market Place, Queen Street, St. Nicholas Street and St. Peter's Street from St. Nicholas Street to No. 16. St. Peter's Street.

THIRD SCHEDULE.

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

(*a.*) Streets :—

So much of the following streets and places not repairable by the local authority, as is within the area of supply.

Parade Terrace, Parade Road, River Street, Brunswick Road, Hutland Road, Sidegate Lane, Rushmere Road, Cauldwell Avenue, Holland Road, Tovell's Road, Nelson Road, Kirby Street, Milton Street, Howard Street, Britannia Road, Crabb Street, Cowper Street, Bloomfield Street, Kemble Street, Freehold Road, Parliament Road, Cavendish Street, White Elm Street Alston

A.D. 1891.

Ipswich.

Road, Vicarage Road, Newton Road, York Road, Derby Road, Suffolk Road, North Hill Road, Charles Street, Dalehall Lane, St. Edmund's Road, Broughton Road, Constitution Hill, Graham Road, Richmond Road, Springfield Lane, Russell Road, Tyler Street, Bright Street, Robinson Street, Harland Street, Rapier Street, Patteson Road, Cliff Road, Shiplaunch Road, Unity Street, Albion Street.

(*b.*) Railways :—

The level crossings of the Great Eastern Railway

(i) At Westerfield Station on the Great Yarmouth Branch (ii) Over the Ranelagh Road near the Ipswich Station.

(*c.*) Tramways :—

The tramways of the Ipswich Tramways Company, Limited.

FOURTH SCHEDULE.

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

Section 1.

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

Section 2.

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

IPSWICH ELECTRIC LIGHTING.

A.D. 1891.

Ipswich.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts, 1882 *and* 1888, *to Laurence, Scott and Co., Limited, in respect of the Borough of Ipswich.*

Preliminary.

1. This Order may be cited as the Ipswich Electric Lighting Order, 1891. **Short title.**

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

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

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

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

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

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

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

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

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 Laurence, Scott and Co., Limited, being a company registered under the Companies Acts, 1862 to 1883, with limited liability, and having its registered offices at Gothic Works, King Street, in the city of Norwich.

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

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

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

Area of Supply.

Area of supply.

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

Prohibition of supply beyond area of supply.

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

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

Security and Accounts.

Security for execution of works.

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

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

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

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

A.D. 1891.

Ipswich.

of the undertaking, or that distributing mains have been duly laid down in accordance with the provisions of this Order in every street, or part of a street, specified in that behalf in the Second Schedule, or at such earlier dates and by such instalments as may be approved by the Board of Trade.

Separate accounts to be kept of undertaking.

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

Audit of Undertakers accounts.

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

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

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

Nature and Mode of Supply.

Systems and mode of supply.

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

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

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

(3.) The Undertakers shall not permit any part of any circuit to be connected with earth, except so far as may be necessary for carrying out

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

Works.

Powers for execution of works.

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

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

Street boxes.

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

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

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

A.D. 1891.

Ipswich.

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

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

13. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of 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 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 give him or them any such further information in relation thereto as he or they may desire. In calculating the above-mentioned period of one month, no part of the month of August shall be included.

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

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

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

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

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

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default, and to a daily penalty not

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

Provided that nothing in this 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.

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

(*a.*) One month before commencing any such alterations the Undertakers, or such body or person (as the case may be), in this section referred to as

"the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be), in this section referred to as "the owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that such alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

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

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

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

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

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

A.D. 1891.

Ipswich.

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

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

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

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

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

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

17. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or such gas or water company (as the case may be), in this section referred to as the "operators," shall, unless otherwise agreed between the

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

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

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

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

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

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas: the expression "water company shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act, but not under this Order.

For protection of railway and canal companies.

18. In the exercise of any of the powers of this Order relating to the execution of works, the Undertakers shall not in any way injure the railways, tunnels, arches, works, or conveniences belonging to any railway or canal

A.D. 1891.

Ipswich.

company, nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

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

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

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

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

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

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

Compulsory Works.

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

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

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

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

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

As to laying of electric line under special agreement.

21. 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

A.D. 1891.

Ipswich.

serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the Undertakers intend to lay such electric line, and setting forth the effect of this section, and if within the said period any two or more of such owners or occupiers shall require in accordance with the provisions of this Order that a supply shall be given to their premises, the necessary distributing main shall be laid by the Undertakers at the same time as the electric line intended for such particular consumer.

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

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

Manner in which requisition is to be made.

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

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

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

Provisions on requisition by owners or occupiers.

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

being charged by the Undertakers for a supply of energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not without the authority of the Board of Trade specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

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

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

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

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

Provisions on requisition by local authority.

25. 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

A.D. 1891.

Ipswich.

authority, and binding them to take for a period of three years at the least a supply of energy for lighting such public lamps in the street or part of a street in respect of which such requisition is made as may be under their management or control.

Supply.

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

26. 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 become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers, and in respect of energy to be supplied by them.

Provided always, that the Undertakers may, after they have given a supply of energy for any premises, by notice in writing, require the owner or

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

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

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

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

Maximum power.

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

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

Supply of energy to public lamps.

28. 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

A.D. 1891.

Ipswich.

this Order, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may require to be supplied.

Penalty for failure to supply.

29. 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.

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

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

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

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

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

Provided also that, before commencing to supply energy through any distributing main for the purposes of general supply, the Undertakers shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and if the local authority become the Undertakers under this Order they shall give the like notice by public advertisement; and, where the Undertakers have given any such notice, they

shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to the local authority and to every consumer of energy who is supplied by them from such main.

Maximum prices.

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

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

Other charges by agreement.

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

Price to public lamps.

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

Electric Inspectors.

Appointment of electric inspectors.

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

If no electric inspector is appointed by the local authority, or if the inspection of electric lines and works is imperfectly attended to by the local authority, or if the local authority themselves become the Undertakers for the purposes of this Order, the Board of Trade, on the application of any

A.D. 1891.

Ipswich.

consumer, or of the Undertakers, may appoint, and keep appointed, one or more competent and impartial person or persons to be electric inspectors under this Order.

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

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

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

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

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

35. The local authority may pay to any electric inspector appointed by them under this Order such reasonable remuneration (if any) as they may determine, and such remuneration may be in addition to, or in substitution for, any fees directed to be paid to electric inspectors in respect of their duties under this Order or any regulations of the Board of Trade made in pursuance of this Order or the principal Act, according as the local authority shall determine.

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

Testing and Inspection.

37. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and such testing shall be carried out at such suitable hours as in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector may think expedient, but, except under the provisions of a special order in that behalf made by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers

have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid. Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

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

Undertakers to establish testing stations.

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

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

Undertakers to keep instruments on their premises.

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

Readings of instruments to be taken.

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

A.D. 1891.

Ipswich.

Electric inspector may test Undertakers instruments.

42. 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.

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

Undertakers to give facilities for testing.

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

Report of results of testing.

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

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

Expenses of electric inspector.

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

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

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

Meters.

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

Meters to be used except by agreement.

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

Meter to be certified.

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

Inspector to certify meters.

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

Undertakers to supply meters if required to do so.

51. No consumer shall connect any meter used or to be used under this Order for ascertaining the value of the supply with any electric line through which energy is supplied by the Undertakers, or disconnect any such meter from any such electric line, unless he has given to the Undertakers not less than forty-eight hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Meters not to be connected or disconnected without notice.

52. Every consumer shall at all times at his own expense keep all meters belonging to him, whereby the value of the supply is to be ascertained, in

Consumer to keep his meter in proper order.

A.D. 1891.

Ipswich.

proper order for correctly registering such value, and in default of his so doing the Undertakers may cease to supply energy through such meter.

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

Power to the Undertakers to let meter.

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

Undertakers to keep meter let for hire in repair.

54. 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.

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

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

56. 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.

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

Maps.

Map of area of supply to be made and deposited.

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

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

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

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

A.D. 1891.

Ipswich.

Application of moneys received by local authority as Undertakers.

Special Provisions in Case of Transfer.

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

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

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

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

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

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

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

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

Provided always, that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking, the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the

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

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

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

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

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

Purchase and use of lands.

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

Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease any lands for the purposes of this Order, and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board, and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order : Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade.

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

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

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

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

A.D. 1891.

Notices, &c.

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

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

Service of notices, &c.

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

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

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

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

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

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

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

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

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

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

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

Revocation of Order.

Revocation of Order where Undertakers are insolvent.

64. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made any default in executing works or supplying energy in accordance with the terms of this Order, and that such default is in consequence of the insolvency of the Undertakers, and that by reason of such insolvency the Undertakers are

unable fully and efficiently to discharge the duties and obligations imposed upon them by this Order, the Board of Trade may after such inquiry as they may think necessary, and after considering any representations of the local authority, revoke this Order as to the whole, or with the consent of the Undertakers, as to any part of the area of supply.

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

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

Revocation of Order with consent.

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

Provisions where Order revoked.

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

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

(*b.*) Within two months after the service of such notice by the Board of Trade upon the local authority, the local authority, if they think fit, may by notice in writing require the Undertakers to sell, and thereupon the Undertakers shall sell to them the undertaking or such 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 or such part thereof as aforesaid, such value being agreed or estimated in manner directed by the Electric Lighting Act, 1888, in the case of purchases effected by the local authority under section two of that Act.

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

A.D. 1891.

Ipswich.

such area or part thereof, and, save as aforesaid, this Order shall remain in full force within such area or part thereof in favour of the local authority.

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

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

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

General.

A.D. 1891.

Ipswich.

Remedying of system and works.

68. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or have permitted any part of their circuits to be connected with earth, or have placed any electric line above ground in contravention of this Order; or (*b*) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order; or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General, the Board of Trade may, by order in writing, make such requirements as to them may seem meet in the circumstances, and direct the Undertakers to take such measures as may be necessary, so as to comply with the order within such period as may be therein limited in that behalf, and if the Undertakers make default in complying with the order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues.

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

If the Undertakers supply energy otherwise than by means of a system which has been approved by the Board of Trade, and fail to comply with any order made under this section in respect thereof within the period limited in that behalf, the Board of Trade may, if they think fit, revoke this Order upon such terms as they may think fit.

Publication of regulations.

69. All regulations and conditions made by the Board of Trade under this Order or the principal Act, affecting the undertaking and for the time being in force, shall within one month after the same, as made or last altered, have come into force, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be forthwith served upon the local authority, and like copies shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

Nature and amount of security.

70. Where any security is required under this Order to be given to or by the Undertakers, such security may be by way of deposit or otherwise, and

A.D. 1891.

Ipswich.

of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by a court of summary jurisdiction, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

71. All things required or authorised under this Order to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the order or act so certified.

Approval or consent of Board of Trade.

72. Where this Order provides for any consent or approval of the Board of Trade, the Board may give such consent or approval subject to terms or conditions, or may withhold their consent or approval, as in their discretion they may think fit.

All costs and expenses of or incident to any approval, consent, certificate, or order of the Board of Trade, or of any inspector or person appointed by the Board of Trade including the cost of any inquiry or tests for the purpose of determining whether the same should be given or made, to such an amount as the Board of Trade shall certify to be due, shall be borne, and paid by the applicant or applicants therefor: Provided always, that where any approval is given by the Board of Trade to any plan, pattern, or specification, they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants, and may, as they think fit, revoke any approval so given, or permit such approval to be continued, subject to such modifications as they may think necessary.

Notice of approval of Board of Trade, &c. to be given by advertisement.

73. Where the Board of Trade, upon the application of the Undertakers, give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers, or where the Board of Trade, upon the application of the local authority or the Undertakers, revoke this Order as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time granted, or such revocation made, shall be published by public advertisement once at least in each of two

successive weeks in some one and the same local newspaper by the body by whom such application was made as aforesaid.

Notice of application for extension of time, &c. to be given to local authority.

74. Where any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of such application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

75. All penalties, fees, expenses, and other moneys recoverable under this Order, or under any regulations made under this Order or the principal Act, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any penalty recovered on prosecution by an officer of the local authority, shall, if there is an electric inspector for the time being appointed by the local authority, be paid to such officer and by him to the local authority, and shall be applied in aid of the local rate.

Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court shall so direct, be paid to such body or person.

Undertakers to be responsible for all damages.

76. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers or of any person in their employment by reason of or in consequence of any of the Undertakers works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

As to mortgages.

77. Nothing in this Order shall prevent the Undertakers borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage: Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Undertakers in the event of any sale or transfer of the undertaking, or any part thereof, under section two of the Electric Lighting Act, 1888, or under this Order, and that any mortgage granted by the Undertakers shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or such part being sold or transferred as aforesaid, and that every mortgage deed granted by the Undertakers shall be indorsed with notice to that effect.

Saving clause for Postmaster-General.

78. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts, 1863 to 1885, and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving rights of the Crown in the foreshore.

79. Nothing in this Order shall authorise the Undertakers to take, use or in any manner interfere with any portion of the shore or bed of the sea

A.D. 1891.

Ipswich.

or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Undertakers not exempted from proceedings for nuisance.

80. Nothing in this Order shall exonerate the Undertakers from any indictment, action, or other proceedings for nuisance in the event of any nuisance being caused by them.

Provision as to general Acts.

81. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity, or to the supply of or price to be charged for energy, which may be passed after the commencement of this Order.

Temporary Provision.

Removal of existing overhead wires.

82. Where any electric lines of the Undertakers have been placed above ground before the commencement of this Order, (except so far as the placing thereof above ground is necessary for the purposes of supply) they shall be removed by the Undertakers within a period of one year after such commencement.

Within nine months after the commencement of this Order the Undertakers shall furnish to the local authority a description of the electric lines if any which in their opinion are necessarily placed above ground and ought not to be removed, and any dispute between the Undertakers and the local authority as to whether any such electric lines are necessarily so placed, shall be determined by the Board of Trade, and in any proceeding under this section by or at the instance of the local authority the decision of the Board of Trade shall be conclusive evidence of the fact that such electric lines are or are not necessarily so placed as the case may be.

If the Undertakers fail to remove any electric lines in contravention of this section they shall be liable to a penalty not exceeding ten pounds for every such offence, and to a daily penalty not exceeding five pounds, and any court of summary jurisdiction on complaint made may make an order authorising the removal of any such electric line by such person and on such terms as may seem fit.

SCHEDULES.

FIRST SCHEDULE.

Area of supply:—

The whole of the borough of Ipswich, as the same is constituted at the commencement of this Order.

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:—

St. Matthew's Street from Berners Street to Westgate Street, Westgate Street, Cornhill, Tavern Street, and Carr Street from the corner of Upper Brook Street to Cox Lane.

Princes Street from Cornhill to the north-east corner of the New Cattle Market.

Butter Market, Upper Brook Street, and Tacket Street.

Northgate Street, Old Foundry Road from Northgate Street to Great Colman Street.

Queen Street, St. Nicholas Street, St. Peter's Street from St. Nicholas Street to a point fifty yards south of the south side of Rose Lane.

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:

Parade Terrace, Parade Road, River Street, Brunswick Road, Hutland Road, Sidegate Lane, Rushmere Road, Cauldwell Avenue, Holland Road, Tovell's Road, Nelson Road, Kirby Street, Milton Street, Howard Street, Britannia Road, Crabbe Street, Cowper Street, Bloomfield Street, Kemball Street, Freehold Road, Parliament Road, Cavendish Street, White Elm Street, Alston Road, Vicarage Road, Newton Road, York Road, Derby Road from the Felixstowe Railway Bridge to

A.D. 1891.

Ipswich.

Foxhall Road, Suffolk Road, North Hill Road, Charles Street, Dalehall Lane, St. Edmund's Road, Broughton Road, Constitution Hill, Graham Road, Richmond Road, Springfield Lane, Russell Road, Tyler Street, Bright Street, Robinson Street, Harland Street, Rapier Street, Patteson Road, Cliff Road, Shiplaunch Road, Unity Street, Albion Street.

(b.) Railways:

The following level crossings:—

(1) Level crossing of the Great Eastern Railway at Ranelagh Road.

(2) Level crossing of the Great Eastern Railway at Westerfield Road.

(c.) Tramways:

The tramways of the Ipswich Tramways Company, Limited.

FOURTH SCHEDULE.

In this schedule—

The expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him, they shall be entitled to charge him at the following rates per quarter:—For any amount up to twenty units, thirteen shillings and fourpence; and for each unit over twenty units, eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him, they shall be entitled to charge him according to the rates set forth in section 1 of this schedule, the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals, that is to say, such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

WHITBY ELECTRIC LIGHTING.

A.D. 1891.

Whitby.

Provisional Order granted by the Board of Trade under the Electric Lighting Acts 1882 *and* 1888 *to the Whitby District Local Board in respect of the Urban Sanitary District of Whitby in the North Riding of the County of York.*

Preliminary.

1. This Order may be cited as the Whitby Electric Lighting Order 1891. Short title.

2. This Order is to be read and construed subject in all respects to the provisions of the Electric Lighting Acts 1882 and 1888 and of any other Acts or parts of Acts incorporated therewith which said Acts and parts of Acts are in this Order collectively referred to as "the principal Act" and the several words terms and expressions to which by the principal Act meanings are assigned shall have in this Order the same respective meanings: Provided that in this Order— Interpretation.

The expression "energy" shall mean electrical energy and for the purposes of applying the provisions of the principal Act to this Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act 1882:

The expression "power" shall mean electrical power or the rate per unit of time at which energy is supplied:

The expression "main" shall mean any electric line which may be laid down by the Undertakers in any street or public place and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" shall mean any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" shall mean the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

The expression "general supply" shall mean the general supply of energy to ordinary consumers but shall not include the supply of energy to any one or more particular consumers under special agreement:

The expression "area of supply" shall mean the area within which the Undertakers are for the time being authorised to supply energy under the provisions of this Order:

The expression "consumer" shall mean any body or person supplied or entitled to be supplied with energy by the Undertakers:

The expression "consumer's terminals" shall mean the ends of the electric lines situate upon any consumer's premises and belonging to him at which the supply of energy is delivered from the service lines:

A.D. 1891.

Whitby.

The expression "telegraphic line" when used with respect to any telegraphic line of the Postmaster-General shall have the same meaning as in the Telegraph Act 1878 and any such telegraphic line shall be deemed to be injuriously affected where telegraphic communication by means of such line is whether through induction or otherwise in any manner affected:

The expression "railway" shall include any tramroad that is to say any tramway other than a tramway as herein-after defined:

The expression "tramway" shall mean any tramway laid along any street:

The expression "daily penalty" shall mean a penalty for each day on which any offence is continued after conviction thereof:

The expressions "First Schedule" "Second Schedule" "Third Schedule" and "Fourth Schedule" shall mean the First Second Third and Fourth Schedules to this Order annexed respectively:

The expression "deposited map" shall mean the map of the area of supply deposited at the Board of Trade by the Undertakers together with this Order and signed by an assistant secretary to the Board of Trade:

The expression "plan" shall mean a plan drawn to a horizontal scale of at least one inch to eighty-eight feet and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet with such detail plan and sections as may be necessary.

Commencement of Order.

3. This Order shall come into force and have effect upon the day when the Act confirming this Order is passed which date is in this Order referred to as "the commencement of this Order."

Description of the Undertakers.

Description of Undertakers.

4. Subject to the provisions of this Order the Undertakers for the purposes of this Order shall be the Whitby District Local Board.

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 edged with pink.

Provided that the area described in the said schedule as Area B shall not be deemed to be within the area of supply until the Undertakers shall have obtained such consent as may be necessary for laying their mains across and within the river Esk and harbour of Whitby or shall have made other provision for the supply of energy within the said Area B and shall have given notice of such consent or provision by public advertisement in such manner as the Board of Trade may approve: Provided also that if within a period of two years after the commencement of this Order the Undertakers shall not have obtained such consent or made such provision and given such notice as aforesaid the Board of Trade may revoke this Order as to Area B upon such terms as may seem fit.

Nature and Mode of Supply.

Systems and mode of supply.

6. Subject to the provisions of this Order and the principal Act the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act: Provided as follows:

(1) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Trade and subject to such regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of energy as the Board of Trade may impose; and

(2) The Undertakers shall not, without the express consent of the Board of Trade, place any electric line above ground, except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and

(3) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of any such regulations and conditions as aforesaid unless such connexion is for the time being approved of by the Board of Trade with the concurrence of the Postmaster-General and is made in accordance with the conditions (if any) of such approval.

Lands.

Purchase and use of lands.

7. Subject to the provisions of this Order and the principal Act the Undertakers may acquire by purchase or on lease and use any lands for the purposes of this Order and may also for such purposes use any other lands for the time being vested in or leased by them but subject as to such last-mentioned lands to the approval of the Local Government Board and may dispose of any lands acquired by them under the provisions of this section which may not for the time being be required for the purposes of this Order: Provided that the amount of land so used by them shall not at any one time exceed in the whole five acres except with the consent of the Board of Trade:

Provided also that the Undertakers shall not except with the consent of the Local Government Board take for the purposes of this Order ten or more houses which after the commencement of this Order have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Works.

Powers for execution of works.

8. Subject to the provisions of this Order and the principal Act the Undertakers may exercise all or any of the powers conferred on them by this

A.D. 1891.

Whitby.

Order and the principal Act and may break up such streets not repairable by the local authority and such railways and tramways (if any) as are specified in the Third Schedule so far as such streets railways and tramways may for the time being be included in the area of supply and be or be upon land dedicated to public use: Provided however as respects any such railway that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

Nothing in this Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway except such streets railways or tramways (if any) or such parts thereof as are specified in the said schedule without the consent of the authority company or person by whom such street railway or tramway is repairable or of the Board of Trade under section thirteen of the Electric Lighting Act 1882 and where the Board of Trade give such consent the provisions of this Order shall apply to the street railway or tramway to which the consent relates as if it had been specified in the said schedule.

Street boxes.

9. Subject to the provisions of this Order and the principal Act and any regulations made under this Order the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy including apparatus for the proper ventilation of such boxes.

Every such box shall be for the exclusive use of the Undertakers and under their sole control except so far as the Board of Trade may otherwise order and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors or for examining testing regulating measuring directing or controlling the supply of energy or for examining or testing the condition of the mains or other portions of the works or for other like purposes connected with the undertaking and the Undertakers may place therein meters switches and any other suitable and proper apparatus for any of the above purposes.

Every such box including the upper surface or covering thereof shall be constructed of such materials and shall be constructed and maintained by the Undertakers in such manner as not to be a source of danger whether by reason of inequality of surface or otherwise.

Notice of works with plan to be served on the Postmaster-General.

10. Where the exercise of any of the powers of the Undertakers in relation to the execution of any works (including the construction of boxes) will involve the placing of any works in under along or across any street or public bridge the following provisions shall have effect:—

(*a.*) One month before commencing the execution of such works (not being the repairs renewals or amendments of existing works of which the character and position are not altered) the Undertakers shall serve a notice upon the Postmaster-General describing the proposed works together with a plan of the works showing the mode and position in which such works are intended to be executed and the manner in which it is intended that such street or bridge is to be interfered with and shall upon being

required to do so by the Postmaster-General give him any such further information in relation thereto as he may desire.

(*b.*) The Postmaster-General may in his discretion approve of any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same and may give notice of such approval or disapproval to the Undertakers.

(*c.*) Where the Postmaster-General approves any such works or plan subject to any amendments or conditions with which the Undertakers are dissatisfied or disapproves of any such works or plan the Undertakers may appeal to the Board of Trade and the Board of Trade may inquire into the matter and allow or disallow such appeal and approve any such works or plan subject to such amendments or conditions as may seem fit or may disapprove the same.

(*d.*) If the Postmaster-General fail to give any such notice of approval or disapproval to the Undertakers within one month after the service of the notice upon him he shall be deemed to have approved such works and plan.

(*e.*) Notwithstanding anything in this Order or the principal Act the Undertakers shall not be entitled to execute any such works as above specified except so far as the same may be of a description and in accordance with a plan which has been approved or is to be deemed to have been approved by the Postmaster-General or by the Board of Trade as above mentioned but where any such works description and plan are so approved or to be deemed to be approved the Undertakers may cause such works to be executed in accordance with such description and plan subject in all respects to the provisions of this Order and of the principal Act.

(*f.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the Postmaster-General for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Where any street or public bridge is repairable by the county council the Undertakers shall serve a like notice and plan upon the county council in addition to those served upon the Postmaster-General and the foregoing provisions of this section shall with the necessary modifications apply to the county council in like manner as to the Postmaster-General.

A.D. 1891.

Whitby.

Nothing in this section shall exempt the Undertakers from any penalty or obligation to which they may be liable under this Order or otherwise by law in the event of any telegraphic line of the Postmaster-General being at any time injuriously affected by the Undertakers works or their supply of energy.

As to streets not repairable by local authority or county council railways tramways and canals.

11. Where the exercise of the powers of the Undertakers in relation to the execution of any works will involve the placing of any works in under along or across any street or part of a street not repairable by the local authority or 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 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 give them any such further information in relation thereto as they may desire.

(*b.*) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.

(*c.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the Undertakers requiring that any question in relation to such works or to compensation in respect thereof and any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*d.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such street railway tramway or canal and may if he thinks fit require the Undertakers to execute any temporary or other works so as to avoid interference with any traffic so far as may be possible.

(*e.*) Where no such requisition as in this section mentioned is served upon the Undertakers or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the Undertakers may upon paying or securing any compensation which they may be required to pay or secure cause to be executed the works specified in such notice and plan as aforesaid and may repair renew and amend the same (provided that their character and position are not altered) but subject in all respects to the provisions of this Order and the principal Act and only in accordance with the notice and plan so served by them as aforesaid or such modifications thereof respectively

as may have been settled by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*f.*) All works to be executed by the Undertakers under this section shall be carried out to the reasonable satisfaction of the owners who shall have the right to be present during the execution of such works.

(*g.*) Where the repair renewal or amendment of any existing works of which the character or position are not altered will involve any interference with any railway level crossing or any tramway over or under which such works have been placed the Undertakers shall unless otherwise agreed between the parties or in cases of emergency give to the owners not less than twenty-four hours notice before commencing to effect such repair renewal or amendment and the owners shall be entitled by their officer to superintend the work and the Undertakers shall conform to such reasonable requirements as may be made by the owners or such officer. The said notice shall be in addition to any other notices which the Undertakers may be required to give under this Order or the principal Act.

(*h.*) If the Undertakers make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

Street authority &c. may give notice of desire to break up streets &c. on behalf of Undertakers.

12. Any body or person for the time being liable to repair any street or part of a street or entitled to work any railway or tramway which the Undertakers may be empowered to break up for the purposes of this Order may if they think fit serve a notice upon the Undertakers stating that they desire to exercise or discharge all or any part of any of the powers or duties of the Undertakers as therein specified in relation to the breaking up filling in reinstating or making good any streets bridges sewers drains tunnels or other works vested in or under the control or management of such body or person and may amend or revoke any such notice by another notice similarly served. Where such body or person as aforesaid (in this section referred to as "the givers of the notice") have given notice that they desire to exercise or discharge any such specified powers and duties of the Undertakers then so long as such notice remains in force the following provisions shall have effect unless otherwise agreed between the parties interested:—

(*a*) The Undertakers shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid except

A.D. 1891.

Whitby.

where they have required the givers of the notice to exercise or discharge such powers or duties and the givers of the notice have refused or neglected to comply with such requisition as herein-after provided or in cases of emergency.

(*b.*) In addition to any other notices which they may be required to give under the provisions of this Order or the principal Act the Undertakers shall not more than four days and not less than two days before the exercise or discharge of any such powers or duties so specified as aforesaid is required to be commenced serve a requisition upon the givers of the notice stating the time when such exercise or discharge is required to be commenced and the manner in which any such powers or duties are required to be exercised or discharged.

(*c.*) Upon receipt of any such requisition as last aforesaid the givers of the notice may proceed to exercise or discharge any such powers or duties as required by the Undertakers subject to the like restrictions and conditions as the Undertakers would themselves be subject to in such exercise or discharge so far as the same may be applicable.

(*d.*) If the givers of the notice decline or for twenty-four hours after the time when any such exercise or discharge of any powers or duties is by any requisition required to be commenced neglect to comply with such requisition the Undertakers may themselves proceed to exercise or discharge the powers or duties therein specified in like manner as they might have done if such notice as aforesaid had not been given to them by the givers of the notice.

(*e.*) In any case of emergency the Undertakers may themselves proceed to at once exercise or discharge so much of any such specified powers or duties as aforesaid as may be necessary for the actual remedying of any defect from which the emergency arises without serving any requisition on the givers of the notice but in such case the Undertakers shall within twelve hours after they begin to exercise or discharge such powers or duties as aforesaid give information thereof in writing to the givers of the notice.

(*f.*) If the Undertakers exercise or discharge any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

(*g.*) All expenses properly incurred by the givers of the notice in complying with any requisition of the Undertakers under this section shall be repaid to them by the Undertakers and may be recovered summarily:

Provided that nothing in this section shall in any way affect the rights of the Undertakers to exercise or discharge any powers or duties conferred or imposed upon them by this Order or the principal Act in relation to the execution of any works beyond the actual breaking up filling in reinstating or making good any such street or part of a street or any such bridges sewers drains tunnels or other works or railway or tramway as in this section mentioned.

As to alteration of pipes wires &c. under streets.

13. The Undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under the principal Act or this Order and any body or person may in like manner alter the position of any electric lines or works of the Undertakers being under any such street or place as aforesaid which may interfere with the lawful exercise of any powers vested in such body or person in relation to such street or place subject to the following provisions unless otherwise agreed between the parties interested—

(*a.*) One month before commencing any such alterations the Undertakers or such body or person (as the case may be) in this section referred to as "the operators" shall serve a notice upon the body or person for the time being entitled to such pipes wires electric lines or works (as the case may be) in this section referred to as "the owners" describing the proposed alterations together with a plan showing the manner in which it is intended that such alterations shall be made and shall upon being required to do so by any such owners give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners such owners may if they think fit serve a requisition upon the operators requiring that any question in relation to such works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration and thereupon such question unless settled by agreement shall be settled by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of such pipes wires electric lines or works and may if he thinks fit require the operators to execute any temporary or other works so as to avoid interference with any purpose for which such pipes wires electric lines or works are used so far as may be possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators the owners shall be held to have agreed to the notice or plan served on them as aforesaid and in such case or where after any such requisition has been served upon them any question required to be settled by arbitration has been so settled the operators upon paying or securing any compensation which they may be required to pay or secure may cause the alterations specified in such notice and plan as aforesaid to be made but subject in all respects to the provisions of this Order and

A.D. 1891.

Whitby.

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 are required to be commenced serve a notification upon the owners stating the time when such alterations are required to be commenced and the manner in which such alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid the owners may proceed to execute such alterations as required by the operators subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.

(*h.*) If the owners decline or for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i.*) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators and may be recovered summarily.

(*j.*) Any owners may if they think fit by any statement served by them under this section upon any operators not being a local authority require the said operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by this Order and where any operators have been so required to give security they shall not be entitled to serve a notification upon the owners requiring them to execute such alterations until such security has been duly given.

(*k.*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of this Order or the principal Act) make full compensation to the owners affected thereby for any loss damage or penalty which they may incur

by reason thereof and in addition thereto they shall be liable to a penalty not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such 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 gas or water pipes or other electric lines.

14. Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any main pipe syphon electric line or other work belonging to any gas electric supply or water company has been lawfully placed or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed the Undertakers or such gas or water company (as the case may be) in this section referred to as the "operators" shall unless otherwise agreed between the parties interested or in case of sudden emergency give to such gas electric supply or water company or to the Undertakers (as the case may be) in this section referred to as the "owners" not less than three days notice before commencing to dig or sink such trench as aforesaid and such owners shall be entitled by their officer to superintend the work and the operators shall conform with such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe syphon electric line or work and for securing access thereto and they shall also if required to do so by the owner thereof repair any damage that may be done thereto.

Where the operators find it necessary to undermine but not alter the position of any pipe electric line or work they shall temporarily support the same in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

Where the operators (being the Undertakers) lay any electric line crossing or liable to touch any mains pipes lines or services belonging to any gas electric supply or water company the conducting portion of such electric line shall be effectively insulated in a manner approved by the Board of Trade and the Undertakers shall not except with the consent of the gas electric supply or water company as the case may be and of the Board of Trade lay their electric lines so as to come into contact with any such mains pipes lines or services or except with the like consent employ any such mains pipes lines or services as conductors for the purposes of their supply of energy.

Any question or difference which may arise under this section shall be determined by arbitration.

If the operators make default in complying with any of the requirements or restrictions of this section they shall make full compensation to all owners affected thereby for any loss damage penalty or costs which they may incur by reason thereof and in addition thereto they shall be liable to a penalty

A.D. 1891.

Whitby.

not exceeding ten pounds for every such default and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the operators complied with the requirements and restrictions of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the operators were ignorant of the position of the main pipe syphon electric line or work affected thereby and that such ignorance was not owing to any negligence on the part of the operators.

For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas the expression "water company" shall mean any body or person lawfully supplying water or water power and the expression "electric supply company" shall mean any body or person supplying energy under the principal Act but not under this Order.

For protection of railway and canal companies.

15. In the exercise of any of the powers of this Order relating to the execution of works the Undertakers shall not in any way injure the railways tunnels arches works or conveniences belonging to any railway or canal company nor obstruct or interfere with the working of the traffic passing along any railway or canal.

For protection of telegraphic and telephonic wires.

16.—(1.) The Undertakers shall take all reasonable precautions in constructing laying down and placing their electric lines and other works of all descriptions and in working their undertaking so as not injuriously to affect whether by induction or otherwise the working of any wire or line from time to time used for the purpose of telegraphic telephonic or electric signalling communication or the currents in such wire or line whether such wire or line be or be not in existence at the time of the laying down or placing of such electric lines or other works. If any question arises between the Undertakers and the owner of any such wire or line as to whether the Undertakers have constructed laid down or placed their electric lines or other works or worked their undertaking in contravention of this sub-section and as to whether the working of such wire or line or the current therein is or is not injuriously affected thereby such question shall be determined by arbitration and the arbitrator (unless he is of opinion that such wire or line not having been so in existence at such time as aforesaid has been placed in unreasonable proximity to the electric lines or works of the Undertakers) may direct the Undertakers to make any alterations in or additions to their system so as to comply with the provisions of this section and the Undertakers shall make such alterations or additions accordingly.

(2.) Seven days before commencing to lay down or place any electric line or to use any electric line in any manner whereby the work of telegraphic or telephonic or electric signalling communication through any wire or line lawfully laid down or placed in any position may be injuriously affected the Undertakers shall unless otherwise agreed between the parties interested give to the owner of such wire or line notice in writing specifying the course nature and gauge of such electric line and the manner in which such electric

line is intended to be used and the amount and nature of the currents intended to be transmitted thereby and the extent to and manner in which (if at all) earth returns are proposed to be used and any owner entitled to receive such notice may from time to time serve a requisition on the Undertakers requiring them to adopt such precautions as may be therein specified in regard to the laying placing or user of such electric line for the purpose of preventing such injurious affection and the Undertakers shall conform with such reasonable requirements as may be made by such owner for the purpose of preventing the communication through such wire or line from being injuriously affected as aforesaid.

If any difference arises between any such owner and the Undertakers with respect to the reasonableness of any requirements so made such difference shall be determined by arbitration :

Provided that nothing in this sub-section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current transmitted thereby are not altered.

(3.) If in any case the Undertakers make default in complying with the requirements of this section they shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof and in addition thereto they shall be liable to a penalty not exceeding five pounds for every such default and to a daily penalty not exceeding forty shillings : Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court having cognizance of the case shall be of opinion that the case was one of emergency and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances or that the default in question was due to the fact that the Undertakers were ignorant of the position of the wire or line affected thereby and that such ignorance was not owing to any negligence on the part of the Undertakers.

(4.) Nothing in this section contained shall be held to deprive any owner of any existing rights to proceed against the Undertakers by indictment action or otherwise in relation to any of the matters aforesaid.

Compulsory Works.

Mains &c. to be laid down in streets specified in Second Schedule and in remainder of area of supply.

17.—(1.) The Undertakers shall within a period of two years after the commencement of this Order lay down suitable and sufficient distributing mains for the purpose 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 :

Provided that if Area B described in the First Schedule is not brought within the area of supply within eighteen months after the commencement of this Order the period within which the Undertakers shall lay such mains in Bridge Street shall be extended to a period of six months after the said area has been brought within the area of supply.

A.D. 1891.

Whitby.

(2.) In addition to the mains herein-before specified the Undertakers shall upon being required to do so in manner by this Order provided 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:

Provided that a requisition under this section shall not be binding upon the Undertakers if it is made (*a*) in respect of any street in Area A described in the First Schedule before the expiration of eighteen months after the commencement of this Order or (*b*) in respect of any street in Area B described in the First Schedule before the expiration of six months after publication of the notice whereby that area is brought within the area of supply or of eighteen months after the commencement of this Order whichever of these periods shall last expire.

All mains required to be laid under this sub-section (unless already laid down) shall be laid down by the Undertakers within six months after any requisition in that behalf served upon them in accordance with the provisions of this Order has become binding upon them or such further time as may in any case be approved of by the Board of Trade.

(3.) When any such requisition is made in respect of any street not repairable by the local authority which is not mentioned in the Third Schedule the Undertakers shall (unless the authority or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Trade under section 13 of the Electric Lighting Act 1882 for the written consent of the Board authorising and empowering the Undertakers to break up such street and the requisition shall not be binding upon them if the Board of Trade refuse their consent in that behalf.

If Undertakers fail to lay down mains &c. Order may be revoked.

18. If the Undertakers make default in laying down any distributing mains in accordance with the provisions of this Order within the periods prescribed in that behalf respectively the Board of Trade may 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 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.

19. Any requisition requiring the Undertakers to lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along such street or part of a street.

Every such requisition shall be signed by the persons making the same and shall be served upon the Undertakers.

Forms of requisition shall be kept by the Undertakers at their office and a copy shall be supplied free of charge to any owner or occupier of premises within the area of supply on application for the same and any requisition so supplied shall be deemed valid in point of form.

A.D. 1891.

Whitby.

Provisions on requisition by owners or occupiers.

20. Where any such requisition is made by any such owners or occupiers as aforesaid the Undertakers (if they think fit) may within fourteen days after the service of the requisition upon them serve a notice on all the persons by whom the requisition is signed stating that they decline to be bound by such requisition unless such persons or some of them will bind themselves to take or will guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the Undertakers in such notice) as will at the rates of charge for the time being charged by the Undertakers for a supply of energy from the distributing mains to ordinary consumers within the area of supply produce annually such reasonable sum as shall be specified by the Undertakers in such notice: Provided that in such notice the Undertakers shall not (without the authority of the Board of Trade) specify any sum exceeding twenty per centum upon the expense of providing and laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting such distributing mains with the nearest available source of supply.

Where such notice is served the requisition shall not be binding on the Undertakers unless within fourteen days after the service of such notice on all the persons signing the requisition has been effected or in the case of difference the delivery of the arbitrator's award there be tendered to the Undertakers an agreement severally executed by such persons or some of them binding them to take or guaranteeing that there shall be taken for a period of three years at the least such specified amounts of energy respectively as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice or determined by arbitration under this section nor unless sufficient security for the payment to the Undertakers of all moneys which may become due to them from such persons under such agreement is offered to the Undertakers (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the Undertakers consider that the requisition is unreasonable or that under the circumstances of the case the provisions of this section ought to be varied they may within fourteen days after the service of the requisition upon them appeal to the Board of Trade who after such inquiry (if any) as they shall think fit may by order either determine that the requisition is unreasonable and shall not be binding upon the Undertakers or may authorise the Undertakers by their notice to require a supply of energy to be taken for such longer period than three years and to specify such sum or per-centage whether calculated as herein-before provided or otherwise as shall be fixed or directed by the order and the terms of the above-mentioned agreement shall be varied accordingly. In case of any such appeal to the Board of Trade any notice by the Undertakers under this section may be served by them within fourteen days after the decision of the Board of Trade.

If any difference arises between the Undertakers and any persons signing any such requisition as to any such notice or agreement such difference shall

A.D. 1891.

Whitby.

subject to the provisions of this section and the decision of the Board of Trade upon any such appeal as aforesaid be determined by arbitration.

Supply.

Undertakers to furnish sufficient supply of energy to owners and occupiers within the area of supply.

21. 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 become due to them by such owner or occupier in respect of any electric lines to be furnished by the Undertakers and in respect of energy to be supplied by them:

Provided always that the Undertakers may after they have given a supply of energy for any premises by notice in writing require the owner or occupier of such premises within seven days after the date of the service of such notice

to give to them security for the payment of all moneys which may become due to them in respect of such supply in case such owner or occupier has not already given such security or in case any security given has become invalid or is insufficient and in case any such owner or occupier fail to comply with the terms of such notice the Undertakers may if they think fit discontinue to supply energy for such premises so long as such failure continues:

Provided also that if the owner or occupier of any such premises as aforesaid uses any form of lamp or burner or uses the energy supplied to him by the Undertakers for any purposes or deals with it in any manner so as to unduly or improperly interfere with the efficient supply of energy to any other body or person by the Undertakers the Undertakers may if they think fit discontinue to supply energy to such premises so long as such user continues:

Provided also that the Undertakers shall not be compelled to give a supply of energy to any premises unless they are reasonably satisfied that the electric lines fittings and apparatus therein are in good order and condition and not calculated to affect injuriously the use of energy by the Undertakers or by other persons.

If any difference arises under this section as to any improper use of energy or as to any alleged defect in any electric lines fittings or apparatus such difference shall be determined by arbitration.

Maximum power.

22. The maximum power with which any such consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Provided that where any consumer has required the Undertakers to supply him with a maximum power of any specified amount he shall not be entitled to alter that maximum except upon one month's notice to the Undertakers and any expenses reasonably incurred by the Undertakers in respect of the service lines by which energy is supplied to the premises of such consumer or any fittings or apparatus of the Undertakers upon such premises consequent upon such alteration shall be paid by him to the Undertakers and may be recovered summarily as a civil debt.

If any difference arises between any such owner or occupier and the Undertakers as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section such difference shall be determined by arbitration.

Penalty for failure to supply.

23. 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 in accordance with the terms of any regulations and conditions subject to which they are

A.D. 1891.

Whitby.

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.

24. The Undertakers may charge for energy supplied by them to any ordinary consumer (otherwise than by agreement)—

(1.) By the actual amount of energy so supplied ; or

(2.) By the electrical quantity contained in such supply ; or

(3.) By such other method as may for the time being be approved by the Board of Trade.

Provided that where the Undertakers charge by any method so approved by the Board of Trade any consumer who objects to that method of charge may by one month's notice in writing require the Undertakers to charge him at their option by the actual amount of energy supplied to him or by the electrical quantity contained in such supply and thereafter the Undertakers shall not except with the consumer's consent charge him by any other method :

Provided also that before commencing to supply energy through any distributing main for the purposes of general supply the Undertakers shall by public advertisement give notice by what method they propose to charge for energy supplied through such main and where the Undertakers have given any such notice they shall not be entitled to change such method of charging except after one month's notice of such change has been given by them to every consumer who is supplied by them from such main.

Maximum prices.

25. The prices to be charged by the Undertakers for energy supplied by them shall not exceed those stated in that behalf in the Fourth Schedule in the first and second sections thereof respectively or in the case of a method of charge approved of by the Board of Trade such price as the Board shall on approving such method determine.

Other charges by agreement.

26. Subject to the provisions of this Order and of the principal Act and to the right of the consumer to require that he shall be charged according to some one or other of the methods above mentioned the Undertakers may make any agreement with a consumer as to the price to be charged for energy and the mode in which such charges are to be ascertained and may charge accordingly.

Electric Inspectors.

Appointment of electric inspectors.

27. The Board of Trade on the application of any consumer or of the Undertakers may appoint and keep appointed one or more competent and impartial person or persons to be electric inspectors under this Order.

The duties of an electric inspector under this Order shall be as follows :—

(*a.*) The inspection and testing periodically and in special cases of the Undertakers electric lines and works and the supply of energy given by them ;

(*b.*) The certifying and examination of meters ; and

(*c.*) Such other duties in relation to the undertaking as may be required of him under the provisions of this Order or of any regulations under this Order.

The Board of Trade may prescribe the fees to be taken by an electric inspector and the manner in which and the times at which his duties are to be performed.

Remuneration of electric inspector.

28. The Undertakers shall pay to every electric inspector appointed under this Order such reasonable remuneration (if any) as may be determined by the Board of Trade 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 or any regulations of the Board of Trade made in pursuance of this Order as may be settled by such Board and where any such remuneration is settled to be in substitution for fees any fees payable by any party other than the Undertakers 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 Undertakers and shall be carried by them to the credit of the local rate.

Inquiry by Board of Trade.

29. The Board of Trade may if they deem it necessary appoint any electric inspector or other fit person or persons to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers works or as to the manner and extent in and to which the provisions of this Order and the principal Act and of any regulations under this Order so far as such provisions affect the safety of the public have been complied with by the Undertakers and any person appointed under this section not being an electric inspector shall for the purposes of his appointment have all the powers of an electric inspector under this Order.

Testing and Inspection.

Testing of mains.

30. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector and such testing shall be carried out at such suitable hours as in the opinion of the inspector will least interfere with the supply of energy by the Undertakers and in such manner as the inspector may think expedient but except under the provisions of a special order in that behalf made by the Board of Trade he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains : Provided

A.D. 1891.

Whitby.

that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by such inspector for the purpose of any such testing as aforesaid: Provided also that such testings shall not be made in regard to any particular portion of a main oftener than once in any three months unless in pursuance of a special order in that behalf made by the Board of Trade.

Testing of works and supply on consumer's premises.

31. An electric inspector if and when required to do so by any consumer shall on payment by such consumer of the prescribed fee test the variation of electric pressure at the consumer's terminals or make such other inspection and testing of the service lines apparatus and works of the Undertakers upon the consumer's premises as may be necessary for the purpose of determining whether the Undertakers have complied with the provisions of this Order and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Undertakers to establish testing stations.

32. A court of summary jurisdiction may upon the application of any ten consumers direct the Undertakers at their own cost to establish at such places within a reasonable distance from a distributing main and keep in proper condition such reasonable number of testing stations as the court shall deem proper and sufficient for testing the supply of energy by the Undertakers through such main and thereupon the Undertakers shall establish such testing places and provide thereat such proper and suitable instruments of a pattern to be approved by the Board of Trade as the court may direct and they shall connect such stations by means of proper and sufficient electric lines with such mains and supply energy thereto for the purpose of such testing.

Undertakers to keep instruments on their premises.

33. The Undertakers shall set up and keep upon all premises from which they supply energy by any distributing mains such suitable and proper instruments of such pattern and construction as may be approved of or prescribed by the Board of Trade and shall take and record and keep recorded such observations as the Board of Trade may prescribe and any observations so recorded shall be receivable in evidence.

Readings of instruments to be taken.

34. The Undertakers shall keep in efficient working order all instruments which they are required by or under this Order to place set up or keep at any testing station or on their own premises and any electric inspector appointed under this Order may examine and record the readings of such instruments and any readings so recorded shall be receivable in evidence.

Electric inspector may test Undertakers instruments.

35. 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.

36. The Undertakers may if they think fit on each occasion of the testing of any main or service line or the testing or inspection of any instruments of the Undertakers by any electric inspector be represented by some officer or

other agent but such officer or agent shall not interfere with the testing or inspection.

Undertakers to give facilities for testing.

37. The Undertakers shall afford all facilities for the proper execution of this Order with respect to inspection and testing and the readings and inspection of instruments and shall comply with all the requirements of or under this Order in that behalf and in case the Undertakers make default in complying with any of the provisions of this section they shall be liable in respect of each default to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Report of results of testing.

38. 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 also to the Undertakers and such report shall be receivable in evidence.

If the Undertakers or any such authority or person are or is dissatisfied with any report of any electric inspector they or he may appeal to the Board of Trade against such report and thereupon the Board of Trade shall inquire into and decide upon the matter of any such appeal and their decision shall be final and binding on all parties.

Expenses of electric inspector.

39. Save as otherwise provided by this Order or by any regulations under this Order all fees and reasonable expenses of an electric inspector shall unless agreed be ascertained by the Board of Trade and shall be paid by the Undertakers and may be recovered summarily as a civil debt:

Provided that where the report of an electric inspector or the decision of the Board of Trade shows that any consumer was guilty of any default or negligence such fees and expenses shall on being ascertained as above mentioned be paid by such consumer or consumers as the Board of Trade having regard to such report or decision shall direct and may be recovered summarily as a civil debt:

Provided also that in any proceedings for penalties under this Order any such fees and expenses incurred in connexion with such proceedings shall be payable by the complainant or defendant as the court may direct.

Meters.

Meters to be used except by agreement.

40. The amount of energy supplied by the Undertakers to any ordinary consumer under this Order or the electrical quantity contained in such supply (according to the method by which the Undertakers elect to charge) in this Order referred to as "the value of the supply" shall except as otherwise agreed between such consumer and the Undertakers be ascertained by means of an appropriate meter duly certified under the provisions of this Order.

Meter to be certified.

41. A meter shall be considered to be duly certified under the provisions of this Order if it be certified by an electric inspector appointed under this Order to be a correct meter and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved of by the Board of Trade and every such meter is in this Order referred to as a "certified meter": Provided that where any alteration is

A.D. 1891.

Whitby.

made in any certified meter or where any such meter is unfixed or disconnected from the service lines such meter shall cease to be a certified meter unless and until it be again certified as a certified meter under the provisions of this Order.

Inspector to certify meters.

42. Every electric inspector on being required to do so by the Undertakers or by any consumer and on payment of the prescribed fee by the party so requiring him shall examine any meter intended for ascertaining the value of the supply and shall certify the same as a certified meter if he considers it entitled to be so certified.

Undertakers to supply meters if required to do so.

43. Where the value of the supply is under this Order required to be ascertained by means of an appropriate meter the Undertakers shall if required so to do by any consumer supply him with an appropriate meter and shall if required so to do fix the same upon the premises of the consumer and connect the service lines therewith and procure such meter to be duly certified under the provisions of this Order and for such purposes may authorise and empower any officer or person to enter upon such premises 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.

44. 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.

45. Every consumer shall at all times at his own expense keep all meters belonging to him whereby the value of the supply is to be ascertained in proper order for correctly registering such value and in default of his so doing the Undertakers may cease to supply energy through such meter.

The Undertakers shall have access to and be at liberty to take off remove test inspect and replace any such meter at all reasonable times provided that all reasonable expenses of and incident to any such taking off removing testing inspecting and replacing and the procuring such meter to be again duly certified where such re-certifying is thereby rendered necessary shall if the meter be found to be not in proper order be paid by the consumer but if the same be in proper order all expenses connected therewith shall be paid by the Undertakers.

Power to the Undertakers to let meter.

46. The Undertakers may let for hire any meter for ascertaining the value of the supply and any fittings thereto for such remuneration in money and on such terms with respect to the repair of such meter and fittings and for securing the safety and return to the Undertakers of such meter and fittings

as may be agreed upon between the hirer and the Undertakers or in case of difference decided by the Board of Trade and such remuneration shall be recoverable by the Undertakers summarily as a civil debt.

Undertakers to keep meter let for hire in repair.

47. 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.

48. If any difference arises between any consumer and the Undertakers as to whether any meter whereby the value of the supply is ascertained (whether belonging to such consumer or the Undertakers) is or is not in proper order for correctly registering such value or as to whether such value has been correctly registered in any case by any meter such difference shall be determined upon the application of either party by an electric inspector who shall order by which of the parties the costs of and incidental to the proceedings before him shall be paid and the decision of such inspector shall be final and binding on all parties. Subject as aforesaid the register of the meter shall be conclusive evidence in the absence of fraud of the value of the supply.

Undertakers pay expenses of providing new meters where method of charge altered.

49. 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.

50. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply the Undertakers may place upon his premises such meter or other apparatus as they may desire for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given or the maximum power taken by such consumer or any other quantity or time connected with the supply: Provided that such meter or apparatus shall be of some construction and pattern and shall be fixed and connected with the service lines in some manner approved by the Board of Trade and shall be supplied and maintained entirely at the cost of the Undertakers and shall not except by agreement be placed otherwise than between the mains of the Undertakers and the consumer's terminals.

A.D. 1891.

Whitby.

Maps.

Map of area of supply to be made and deposited.

51. The Undertakers shall forthwith after commencing to supply energy under this Order cause a map to be made of the area of supply and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains service lines and other underground works and street boxes and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Undertakers shall also if so required by the Board of Trade or the Postmaster-General cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be on such scale or scales as the Board of Trade shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date expressed thereon of the last time when it was so made or last corrected shall be kept by the Undertakers at their principal office within the area of supply and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof. The Undertakers may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map section or copy and such further fee not exceeding five shillings for each copy of the same or any part thereof taken by such applicant as they may prescribe.

The Undertakers shall if so required by the Board of Trade or the Postmaster-General supply to them or him a copy of any such map or section and cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

If the Undertakers fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Application of Moneys received.

Application of revenue.

52. All moneys received by the Undertakers in respect of the undertaking except (*a*) borrowed money (*b*) money arising from the disposal of lands acquired for the purposes of this Order and (*c*) money not of the nature of rent received by them in respect of any transfer under the provisions of this Order shall be applied by them as follows :—

(1.) In payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Undertakers consequent upon any proceedings by or against the undertakers their officers or servants in relation to the undertaking.

(2.) In payment of the interest or dividend on any mortgages stock or other securities granted and issued by the Undertakers in respect of money borrowed for electricity purposes.

(3.) In providing any instalments or sinking fund required to be provided in respect of moneys borrowed for electricity purposes.

(4.) In payment of all other their expenses of executing this Order not being expenses properly chargeable to capital.

(5.) In providing a reserve fund if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and the resulting income thereof in Government securities or in any other securities in which trustees are by law for the time being authorised to invest other than stock or securities of the Undertakers and accumulating the same at compound interest until the fund so formed amounts to one tenth of the aggregate capital expenditure on the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Undertakers from the undertaking or to meet any extraordinary claim or demand at any time arising against the Undertakers in respect of the undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the prescribed limit and so from time to time as often as such reduction happens.

The Undertakers shall carry the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate as defined by the principal Act or at their option shall apply such surplus or some part thereof to the improvement of the district for which they are the local authority or in reduction of the capital moneys borrowed for electricity purposes:

Provided always that if the surplus in any year exceed five pounds per centum per annum upon the aggregate capital expenditure on the undertaking the Undertakers shall make such a rateable reduction in the charge for the supply of energy as in their judgment will reduce the surplus to the said maximum rate of profit but this proviso shall only apply to so much of the undertaking as shall for the time being remain in the hands of the Undertakers.

Any deficiency of income in any year when not answered out of the reserve fund shall be charged upon and payable out of the local rate.

Application of capital moneys.

53. All moneys arising from the disposal of lands acquired by the Undertakers for the purposes of this Order and all moneys not of the nature of rent received by them in respect of any transfer of the undertaking under the provisions of this Order and all other capital moneys received by them in respect of the undertaking shall be applied by them as follows:—

(1.) In the reduction of the capital moneys borrowed by them for electricity purposes.

(2.) In the reduction of the capital moneys borrowed by them for other than electricity purposes.

Notices &c.

Notices &c. may be printed or written.

54. 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

A.D. 1891.

Whitby.

notice order or document requires authentication by the Undertakers the signature thereof by their clerk or surveyor shall be sufficient authentication.

Service of notices &c.

55. Any notice order or document required or authorised to be served upon any body or person under this Order or the principal Act may be served by the same being addressed to such body or person and being left at or transmitted through the post to the following addresses respectively :—

(*a.*) In the case of the Board of Trade the office of the Board of Trade.

(*b.*) In the case of the Postmaster-General the General Post Office.

(*c.*) In the case of any county council the office of such council.

(*d.*) In the case of any local authority the office of such local authority.

(*e.*) In the case of any company having a registered office the registered office of such company.

(*f.*) In the case of a company having an office or offices but no registered office the principal office of such company.

(*g.*) In the case of any other person the usual or last known place of abode of such person.

A notice order or document by this Order required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

A notice order or document by this Order required or authorised to be served on the owner or occupier of premises may be served by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises to whom the same can with reasonable diligence be delivered by fixing it on some conspicuous part of the premises.

Subject to the provisions of this Order as to cases of emergency where the interval of time between the service of any notice or document under the provisions of this Order and the execution of any works or the performance of any duty or act is less than seven days the following days shall not be reckoned in the computation of such time that is to say Sunday Christmas Day Good Friday any bank holiday under and within the meaning of the Bank Holiday Act 1871 and any Act amending that Act and any day appointed for public fast humiliation or thanksgiving.

Revocation of Order.

Revocation where works not executed.

56. If at any time after the commencement of this Order the Board of Trade have reason to believe that the Undertakers have made default in executing works or supplying energy in accordance with the provisions of this Order the Board of Trade may after such inquiry as they may think necessary revoke this Order as to the whole or with the consent of the Undertakers any part of the area of supply upon such terms as to the Board of Trade may seem just.

Revocation of Order with consent.

57. In addition to any powers which the Board of Trade may have in that behalf they may revoke this Order at any time with the consent and

concurrence of the Undertakers upon such terms as the Board of Trade may think fit.

Provisions where Order revoked.

58. If the Board of Trade at any time revoke this Order as to the whole or any part of the area of supply any persons who may be liable to repair any street or part of a street within such area or part thereof in which any works of the Undertakers may have been placed may forthwith remove such works with all reasonable care and the Undertakers shall pay to such persons such reasonable costs of such removal as may be specified in a notice to be served on the Undertakers by such persons or if so required by the Undertakers within one week after the service of such notice upon them as may be settled by arbitration.

If the Undertakers fail to pay such reasonable costs as aforesaid within one month after the service upon them of such notice or the delivery of the award of the arbitrator as the case may be such persons as aforesaid may without any previous notice to the Undertakers (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of any such works as aforesaid either by public auction or private sale and for such sum or sums and to such person or persons as they may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale and the balance (if any) of the proceeds of the sale shall be paid over by them to the Undertakers.

Transfer of Powers.

Transfer of powers &c.

59.—(1.) At any time after the commencement of this Order the Undertakers may with the consent of the Board of Trade by deed to be approved by the Board of Trade transfer their powers duties liabilities and works to any company or person subject to such exceptions and modifications (if any) and for such period and upon such terms as may be specified therein and either as to the whole or any part or parts of the area of supply and during the said period but subject to the provisions of this Order such company or person shall to the extent of the powers duties and liabilities so transferred be the Undertakers for the purposes of this Order.

(2.) One month at least before any draft deed is submitted to the Board of Trade for their approval under this section notice of the intention to make such transfer shall be published by the Undertakers by advertisement and a copy of the said draft deed shall be deposited for public inspection during office hours at the principal office of the Undertakers within the area of supply and printed copies thereof shall be supplied to every person demanding the same at a price not exceeding sixpence for each copy.

(3.) Every such advertisement shall contain the following particulars:—

(*a*) the area in respect of which the transfer is proposed to be made;

(*b*) the period for which the transfer is proposed to be made;

(*c*) the rent or other pecuniary consideration in respect of the transfer;

A.D. 1891.

Whitby.

(*d*) a general description of the powers duties or liabilities of the Undertakers proposed to be excepted or modified and of the terms upon which the transfer is proposed to be made; and

(*e*) the address of the office at which the copy of the said draft deed is deposited for public inspection and at which printed copies of the same are on sale;

and such advertisement shall be inserted once at least in each of two successive weeks in one and the same newspaper circulating within the area of supply and once at least in the London Gazette.

(4.) The Undertakers may with the consent of the Board of Trade by deed to be approved in like manner renew or continue any such transfer for such period and subject to such variations or modifications (if any) as may be specified therein and the above provisions as to advertisements and particulars shall apply to such matters as are hereby required to be specified in such last mentioned deed.

(5.) Where in relation to any powers duties or liabilities so transferred such company or person have in the opinion of the Board of Trade been guilty of any act or default in respect of which the Board of Trade are empowered to revoke this Order the Board of Trade if they think fit in lieu of revoking this Order may by order permit the Undertakers to resume the undertaking as from such day as may be fixed by the order and from and after the said day the powers duties and liabilities of the said company or persons as Undertakers shall cease and determine but without prejudice to anything done or suffered during the period of transfer.

(6.) Any questions arising between the Undertakers and the said company or persons respecting the resumption of the undertaking by the Undertakers shall be determined on the application of either party by the Board of Trade regard being had to the deed of transfer so far as applicable and the decision of the Board of Trade shall be final and conclusive.

(7.) As soon as practicable after any such deed is approved by the Board of Trade printed copies thereof shall be kept by the Undertakers for public inspection at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy and in case of any default herein the Undertakers shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

(8.) Nothing in this section shall affect any powers duties or liabilities of the Undertakers which shall not be transferred by any such deed and the Undertakers shall continue to have and be subject to such powers duties and liabilities if any.

General.

Remedying of system and works.

60. If at any time it is represented to the Board of Trade (*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Booard of Trade or have permitted any part

of their circuits to be connected with earth or have placed any electric line above ground in contravention of this Order or (*b*) that any electric lines or works of the Undertakers are defective so as not to be in accordance with the provisions of this Order or the regulations and conditions subject to which the Undertakers are for the time being authorised to supply energy under this Order or (*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety or injuriously affects any telegraphic line of the Postmaster-General the Board of Trade may by order in writing make such requirements as to them may seem meet in the circumstances and direct the Undertakers to take such measures as may be necessary so as to comply with the order within such period as may be therein limited in that behalf and if the Undertakers make default in complying with such order within the time so limited they shall be liable to a penalty not exceeding twenty pounds for every day during which such default continues:

The Board of Trade may also if they think fit by the same or any other order made upon any such representation as aforesaid forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with or for such time as may be so specified and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which such user continues:

Where the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade and fail to comply with any order made under this section in respect thereof within the time therein limited in that behalf the Board of Trade may if they think fit revoke this Order on such terms as they may think just.

Publication of regulations.

61. All regulations and conditions made by the Board of Trade under this Order or the principal Act affecting the undertaking and for the time being in force shall within one month after the same as made or last altered have come into force be printed at the expense of the Undertakers and true copies thereof certified by or on behalf of the Undertakers shall be kept by them at their principal office within the area of supply and supplied to any person demanding the same at a price not exceeding sixpence for each copy.

If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds.

Nature and amount of security.

62. Where any security is required under this Order to be given to or by the Undertakers such security may be by way of deposit or otherwise and of such amount as may be agreed upon between the parties or as in default of agreement may be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the said court shall be final and binding on all parties: Provided that where any such security is given by way of deposit the party to whom such security is given shall pay interest at the rate of four pounds per centum per annum on every

A.D. 1891.

Whitby.

sum of ten shillings so deposited for every six months during which the same remains in their hands.

Proceedings of Board of Trade.

63. All things required or authorised under this Order to be done by to or before the Board of Trade may be done by to or before the President or a secretary or an assistant secretary of the Board.

All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board or to be signed by a secretary or assistant secretary of the Board or by any person authorised in that behalf by the President of the Board shall be received in evidence and shall be deemed to be such orders without further proof unless the contrary is shown.

A certificate signed by the President of the Board of Trade that any order made or act done is the order or act of the Board shall be conclusive evidence of the order or act so certified.

As to approval or consent of Board of Trade.

64. Where this Order provides for any consent or approval of the Board of Trade the Board may give such consent or approval subject to terms or conditions or may withhold their consent or approval as in their discretion they may think fit. All costs and expenses of or incident to any application for any approval consent or order of the Board of Trade including the cost of any tests which may be required to be made by the Board of Trade for the purpose of determining whether the same should be given or made to such an amount as the Board of Trade shall certify to be due shall be borne and paid by the applicant or applicants therefor: Provided always that where any approval is given by the Board of Trade to any plan pattern or specification they may require such copies of the same as they may think fit to be prepared and deposited at their office at the expense of the said applicant or applicants and may 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.

65. Where the Board of Trade upon the application of the Undertakers give any approval or grant any extension of any time limited for the performance of any duties by the Undertakers or revoke this Order as to the whole or any part of the area of supply notice that such approval has been given or such extension of time granted or such revocation made shall be published by public advertisement once at least in each of two successive weeks in some one and the same local newspaper by the Undertakers.

Recovery and application of penalties.

66. All penalties fees expenses and other moneys recoverable under this Order or under any regulations made under this Order or the principal Act the recovery of which is not otherwise specially provided for may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

Any such penalty recovered on prosecution by any body or person or any part thereof may if the court shall so direct be paid to such body or person.

Undertakers to be responsible for all damages.

67. 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.

Incorporation of sections 264 and 265 of Public Health Act 1875.

68. The provisions of sections two hundred and sixty-four and two hundred and sixty-five of the Public Health Act 1875 shall be incorporated with this Order and in the construction of the said provisions for the purposes of this Order "this Act" means this Order and the principal Act and the "local authority" means the Undertakers.

Saving clause for Postmaster-General.

69. Nothing in this Order shall affect any right or remedy of the Postmaster-General under the principal Act or the Telegraph Acts 1863 to 1885 and all provisions contained in this Order in favour of the Postmaster-General shall be construed to be in addition to and not in modification of the provisions of those Acts.

Saving as to harbour of Whitby.

70. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the soil of the harbour of Whitby without the previous consent of Sir Charles William Strickland Baronet or his successors lords of the manor of Whitby.

Shore outside harbour not to be interfered with.

71. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea outside the harbour of Whitby.

Undertakers not exempted from proceedings for nuisance.

72. 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.

Provisions as to general Acts.

73. Nothing in this Order shall exempt the Undertakers or their undertaking from the provisions of or deprive the Undertakers of the benefits of any general Act relating to electricity or to the supply of or price to be charged for energy which may be passed after the commencement of this Order.

A.D. 1891.

Whitby.

SCHEDULES.

FIRST SCHEDULE.

Area of Supply.

AREA A:—So much of the local government district of Whitby in the north riding of the county of York (as constituted at the commencement of this Order) as lies to the westward of the river Esk and harbour of Whitby.

AREA B:—So much of the said district as is not included in Area A.

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.

Bridge Street, St. Ann's Staith, Baxtergate, Flowergate, Skinner Street.

THIRD SCHEDULE.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Undertakers in pursuance of the special powers granted by this Order.

(*a.*) STREETS:—North Terrace, Royal Crescent, East Terrace, Khyber Pass, East Crescent, Hudson Street, George Street, (West Cliff), John Street, Royal Crescent Avenue, Church Square, Argyle Road, (or Cinder Lane), back roads behind Royal Crescent, Abbey Terrace, and George Street (West Cliff) respectively, back roads behind George Street (West Cliff), North Terrace, South and East Terraces respectively, back road between Hudson Street and Normanby Terrace, back road behind John Street, Wellington Terrace, back road between Belle Vue Terrace and Wellington Terrace, Albert Place, back roads behind Royal Crescent Avenue, road behind East Crescent, Well Close Square, Routh's Walk, Poplar Row, road behind St. Hilda's Terrace, Newton Street, road behind north side of Bagdale, road behind Broomfield Terrace, road behind south side of Victoria Square, Princess Place, Wellington Road, Dock End Road, Pier Road, Marine Parade, Grove Street, Elgin Street, back road between Elgin Street and Grove Street, back road behind Grove Street, Scoresby Terrace, back road between Scoresby Terrace and

Raglan Terrace, road between Raglan Terrace and York Terrace North Road (—Fishburn Park, from end of Falcon Terrace to top of road), Esk Terrace, road behind Osborne Terrace, back road between Windsor Terrace and Albion Place, Market Place and streets leading thereto from Church Street and Brewster Lane respectively, Ropery Road (from top of Boulby Bank to Green Lane), road behind Prospect Place (Airy Hill).

(*b.*) Railways:—The following level crossings of the North-eastern Railway:—

The level crossing at Boghole, on the highway leading from the public Ford across the river Esk to Waterstead Lane, or to the highway in front of Esk Terrace, near to that lane.

The level crossing at the village of Ruswarp, near the railway station there, on the highway leading from that village to Ruswarp Bridge.

(*c.*) Tramways:—None.

FOURTH SCHEDULE.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand amperes flowing under an electric-motive force of one volt during one hour.

Section 1.

Where the Undertakers charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter. For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Undertakers charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Undertakers under any regulations made under this Order.

Printed by Eyre and Spottiswoode,

for

T. Digby Pigott, Esq., C.B., 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
John Menzies & Co., 12, Hanover Street, Edinburgh, and
88 and 90, West Nile Street, Glasgow; or
Hodges, Figgis, & Co., 104, Grafton Street, Dublin.