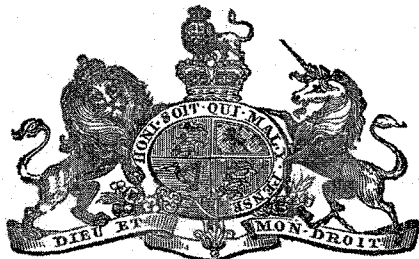


New Zealand.



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Title.

AN ACT to authorise the New Zealand Electrical Syndicate (Limited) to break up or cross over Streets, Roads, Rivers, and Bridges, and to place Mains, Service-lines, and Distributing-mains either above or below Ground, and to lay down and place Pipes, Conduits, and Service-pipes, and to erect Pillars, Arches, and Poles, and to make, construct, and do other Works and Things for supplying the City of Wellington with Electrical Energy.

[8th September, 1891.]

Preamble.

WHEREAS a company with limited liability has been incorporated under the provisions of the Companies Acts, 1862 to 1890, of the Imperial Parliament, by the name of the New Zealand Electrical Syndicate (Limited), having for its objects the production of electricity and electrical energy, and supplying the same for lighting purposes and as a motive power: And whereas it is expedient that power should be given to enable the said company to carry out the objects for which it has been so established in and over the area of supply described in clause six of this Act, and specified in the First Schedule hereto:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is “The Wellington Electric Lighting Act, 1891.”

Interpretation.

2. In this Act, if not inconsistent with the context hereof, and unless there are words to exclude or restrict such meaning, the words and expressions following shall severally have the meanings hereinafter assigned to them, that is to say,—

The expression “electricity” means electricity, electric current, or any like agency:

The expression “electric line” means a wire or wires, conductor, or other means used for conveying, transmitting, or

distributing electricity, together with any casing, coating, covering, tube, pipe, or insulator, enclosing, surrounding, or supporting the same, or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing electricity :

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

The expression "public purpose" refers to the supply of electricity to or in any street as defined by this Act, or any place belonging to or subject to the control of a local authority, or any hall, public theatre, or building belonging to, or subject to the control of, any public authority, but shall not include any other purpose to which electricity may be applied :

The expression "private purpose" refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegram :

The expression "telegram" means any despatch, message, or other communication, conveyed or transmitted or presented at a telegraph office for transmission by a "telegraphic line" as defined by this Act :

The expression "telegraphic line" has the same meaning and definition as is given to the expression "electric line" or "line" by "The Electric Lines Act, 1884," save that the words "or for any other purpose authorised under this Act" shall be omitted from such definition, and any such telegraphic line shall be deemed to be injuriously affected when telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected :

The expression "works" means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to generate or supply electricity, and to carry into effect the objects of the company under this Act:

The expression "local authority" means (in addition to the meaning given by "The Interpretations Act, 1888") the Wellington Harbour Board, in every case in which the property of the said Board, or the powers and privileges granted to it by statute, are or may be in any way affected by any of the powers granted by this Act :

The expression "the company" means the New Zealand Electrical Syndicate (Limited) :

The expression "undertaking" means the powers and authorities granted by this Act to the company (subject to the duties and obligations hereby imposed), together with all lands, buildings, works, materials, and plant of the company used for the purposes of this Act ;

The expression "street" includes any square, court, alley, highway, lane, road, thoroughfare, public bridge, passage, or place within the area of supply as herein defined:

The expression "energy" means electrical energy, and for the purposes of this Act electrical energy shall be deemed to be an agency within the meaning of electricity as defined by this Act:

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

The expression "main" means any electrical line which may be laid on or over any street or public or private place, and through which energy may be supplied, or be intended to be supplied, by the company for the purposes of general supply:

The expression "service line" means any electric line through which energy may be supplied, or is intended to be supplied, by the company to a consumer either from any main or directly from the premises of the company:

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

The expression "area of supply" means the area within which the company are for the time being authorised to supply energy under the provisions of this Act:

The expression "consumer" means anybody or person supplied, or entitled to be supplied, with energy by the company:

The expression "consumer's terminals" means 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 "railway" includes any tramroad; that is to say, any tramway other than a tramway as hereinafter defined:

The expression "tramway" means any tramway laid along any street:

The expression "daily penalty" means a penalty for each day on which an offence is continued after conviction thereof.

3. There shall be a Board of Control for the purposes of this Act, which shall consist of the Governor in Council.

4. The Board of Control may appoint such officers and make such by-laws for their own guidance as they shall think proper. They may also make such rules and regulations for the control of the company in the interests of the public safety as is hereinafter provided. The Board of Control may from time to time delegate all or any of the powers vested in the Board by this Act to the Electric Telegraph Commissioner.

5. The company shall not purchase or acquire the undertaking of or associate themselves with any other company or person supplying electrical energy or any artificial light under any special Act without the approval of the Board of Control. If in contravention of this section the company shall purchase or acquire any such undertaking, or associate themselves with such other company or person,

Constitution of
Board of Control.

Board of Control
may appoint
Secretary and make
by-laws and
regulations.

Prohibition of
purchase of under-
taking of other
companies.

the Board of Control may, if they think fit, revoke this Act upon such terms as they may think just: Provided always that, notwithstanding anything herein contained, the company may, for the purpose of supplying electricity under and in accordance with this Act, construct such works, and acquire such licenses, or agree for the use of any patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things, enter into such contracts, and generally do all such acts and things as may be necessary and incidental to such supply; but the company shall not by any contract or assignment transfer to any other company or person any legal power given to them, or divest themselves of any obligations or legal liabilities imposed upon them by this Act without the consent of the Board of Control.

AREA OF SUPPLY.

6. Subject to the provisions of this Act, the area of supply shall be the whole of the area included in the First Schedule. Area of supply

7. The company shall not at any time after the commencement of this Act supply energy, or (except for the purposes of this Act) erect or lay down any electric lines or works beyond the area of supply otherwise than with the consent of the Board of Control, confirmed by the authority of a special Act. Prohibition of supply beyond area of supply.

If the company supply energy, or erect or lay down electric lines or works in contravention of this section, the Board of Control may revoke this Act, as hereinafter mentioned, on such terms as they think just.

SECURITY AND ACCOUNTS.

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

The company shall also within six months after the commencement of this Act, or such extended period as may be approved by the Board of Control, 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 Control a sum of one thousand pounds.

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

The sum deposited or secured by the company under the provisions of this section shall be repaid or released to them from time to time in equal moieties when and as soon as it may be certified by an Inspector to be appointed by the Board of Control that amounts equal to the sums so to be repaid or released have been expended by the company upon work executed for the purposes of the undertaking, or that distributing mains have been duly laid down in accordance with

the provisions of this Act in every street or part of a street specified in that behalf in the Second Schedule hereto, or at such earlier dates and by such instalments as may from time to time be approved of by the Board of Control.

Separate accounts
to be kept of
undertaking.

9. The company shall, except with the special approval of the Board of Control to be previously given (after consideration of any representation 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.

Accounts.

10. The company shall, on or before the twenty-fifth day of March in every year, fill up an annual statement of accounts of the undertaking made up to the thirty-first day of December then next preceding, and such statement shall be in such form, and shall contain such particulars, and shall be published in such manner as may from time to time be prescribed in that behalf by the Board of Control.

The company shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling per copy. In case the company make default in complying with the provisions of this section they shall be liable to a penalty not exceeding twenty shillings for each day during which such default continues.

Audit of company's
accounts.

11. The annual statement of accounts of the undertaking before being published shall be examined and audited by such competent and impartial person as the Board of Control shall from time to time appoint, and the remuneration of the Auditor shall be such as the Board of Control 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 Control shall approve) shall be paid by the company on demand, and shall be recoverable as a civil debt.

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

NATURE AND MODE OF SUPPLY.

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

Systems and mode
of supply.

(1.) Such energy shall be supplied only by means of some system which shall be approved in writing by the Board of Control, 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 may from time to time impose; and

- (2.) The company 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 connection is for the time being approved of by the Board of Control, and is made in accordance with the conditions, if any, of such approval; and
- (3.) The company shall construct their mains and other works of all descriptions, and shall work their undertaking in all respects so as not injuriously to affect the working of any telegraphic lines, 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 any such injurious affection, whether by induction or otherwise. If any question arises as to whether the company have constructed their mains or other works, or worked their undertaking in contravention of this subsection, such question shall be determined by arbitration, and the company 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 subsection contained shall be held to relieve the company from liability to be proceeded against by indictment, action, or otherwise, in relation to any of the matters aforesaid:

Provided also that the Board of Control may from time to time make such regulations as they may think expedient for securing the safety of the public from personal injury or from fire or otherwise, and may from time to time amend or repeal any such regulations, and any such regulations so made or amended by the Board of Control shall, from the date and issue thereof, have the same effect in every respect as though they had been originally inserted in this Act, and every regulation so repealed shall from and after the date thereof be repealed accordingly; but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal, or any proceeding or remedy which might have been had in relation thereto.

- (4.) Any local authority within any part of whose district electricity is authorised to be supplied under this Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal by-laws for further securing such safety; and there may be annexed to any breach of such by-laws such penalties as they may think necessary. Any such by-law as aforesaid may be made, rescinded, altered, repealed, and evidenced in the same manner as in the case of by-laws made by the Council under the provisions of "The Municipal Corporations Act, 1886:" Provided that no such by-laws shall have any force or effect unless and until they have been approved of by the Board of Control and published in such manner as the Board of Control may direct.

WORKS.

Powers for execution
of works.

13. Subject to the provisions of this Act, the company may from time to time exercise all or any of the powers conferred on them by this Act, and may break up such streets, railways and tramways 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; and all such streets so broken up shall be reinstated by the company to the satisfaction of the local authority: 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.

Except as aforesaid, nothing in this Act shall authorise or empower the company to break up or interfere with any street, railway, or tramway not repairable by the local authority without the consent of the authority, company, or person by whom such street, railway, or tramway is repairable, or of the Board of Control; and, where the Board of Control gives such consent, the provisions of this Act shall apply to the street, railway, or tramway to which the consent relates, as if it had been specified in the said Third Schedule.

Street-boxes.

14. Subject to the provisions of this Act and any regulations made by the Board of Control under the provisions of this Act, the company may also from time to time construct in any street such boxes as may be necessary for purposes in connection with the supply of energy, including apparatus for the proper ventilation of such boxes: Provided that no such box 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 company and under their sole control, except so far as the Board of Control may otherwise order, and shall be used by the company 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 company 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 made of such materials, and shall be constructed and maintained by the company 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 Control, prescribe the hours during which the company are to have access to such boxes; and if the company 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 two pounds for every such offence, and to a daily penalty of twenty shillings: Provided that the company shall not be subject to any such penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency, and that the company complied with the

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

15. The company shall not, without the express consent of the local authority where the street is repairable by them, place any electric line above ground, along, over, or across any street or public place, or supply energy by means of any electric line so placed.

Prohibition of overhead wires, except with consent.

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

Where any electric line has been placed above ground by the company in any position the Resident Magistrate, upon complaint being made, if he is of opinion that such electric line is or is likely to become dangerous to public safety, may, notwithstanding any such consent as aforesaid, make an order directing and authorising the removal of such electric line upon such terms and conditions as he may think fit.

16. Where the exercise of any of the powers of the company 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 :—

Notice of works, with plan, to be served on the Board of Control and local authority.

(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 company shall serve a notice upon the Board of Control 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 Board of Control or the local authority, give them from time to time any such further information in relation thereto as they or either of them may desire.

(b.) The Board of Control or the local authority may in their or either of their discretions 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 company.

(c.) Where the local authority approves any such works or plan, subject to any amendments or conditions with which the company are dissatisfied, or disapproves of any such works or plan, the company may appeal to the Board of Control, and the Board of Control 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 Board of Control or the local authority fail to give any notice of approval or disapproval to the company within one month after the service of the notice upon them the Board or authority so failing shall be deemed to have approved such works and plan.
- (e.) Notwithstanding anything in this Act the company 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 Board of Control and the local authority, or by the Board of Control as above mentioned; but where any such works, description and plan are so approved, or to be deemed to be approved, the company may cause such works to be executed in accordance with such description and plan, subject in all respects to the provisions of this Act.
- (f.) All works to be executed by the company under this section shall be carried out to the reasonable satisfaction of the local authority, who shall have the right to be present by its officer during the execution of such works.
- (g.) If the company 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 Act) make full compensation to the parties 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 five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the company shall not be subject to any such penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency, and that the company complied with the requirements of this section so far as was reasonable under the circumstances.

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

17. Where the exercise of the powers of the company 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, not owned by or under the control of the local authority, 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 company shall, in addition to any other notices which they may be required to give under this Act, serve a notice upon the body or person liable to repair such

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

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, from time to time give them any such further information in relation thereto as they may desire.

- (b.) Every such notice shall contain a reference to this section and direct the attention of the owners to whom it is given to the provisions thereof.
- (c.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the company, 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 company 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 company, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the company 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 from time to time repair, renew, and amend the same (providing that their character and position are not altered), but subject in all respects to the provisions of this 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 agreed upon between the parties.
- (f.) All works to be executed by the company 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 company shall, except in cases of emergency, or unless otherwise agreed between the parties,

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 company shall conform to such reasonable requirements as may from time to time be made by the owners or such officer. The said notice shall be in addition to any other notices which the company may be required to give under this Act.

- (h.) If the company 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 Act, make full compensation to the owners affected thereby for any loss or damage which they may incur by reason thereof, the amount of such compensation, in case of the parties not agreeing, to be ascertained by arbitration; 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 company shall not be subject to any such penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency, and that the company complied with the requirements of this section so far as was reasonable under the circumstances.

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

- (a.) The company shall not be entitled to proceed themselves to exercise or discharge any such specified powers or duties as aforesaid, except in cases of emergency, or where they have required the givers of the notice to exercise or discharge such powers or duties, and the givers of the notice have refused or neglected to comply with such requisition as hereinafter provided.
- (b.) In addition to any other notices which they may be required to give under the provisions of this Act, the company shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties so

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

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 company, subject to the like restrictions and conditions as the company 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 company 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 company 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 company 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 company 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 five pounds for every such offence, and to a daily penalty not exceeding forty shillings: Provided that the company shall not be subject to any such penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency, and that the company 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 company under this section shall be repaid to them by the company, and may be recovered summarily before the Resident Magistrate.
- (h.) The givers of the notice may from time to time, if they think fit, require the company 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 Act. If the company 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 the Resident Magistrate, 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 right of the company to exercise or discharge any powers or duties conferred or imposed upon them by this Act in relation to the execution of any works beyond the actual breaking-up, filling-in, reinstating, or making good any such street, or part of a street, or any such bridges, sewers, drains, tunnels, or other works, or railway or tramway as in this section mentioned.

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

- (a.) One month before commencing any such alteration the company or such body or person (as the case may be) in this section referred to as "the operators," shall serve a notice upon the body or person for the time being entitled to such pipes, wires, electric lines, or works (as the case may be) in this section referred to as "the owners," describing the proposed alteration, together with a plan showing the manner in which it is intended that such alteration shall be made, and shall, upon being required to do so by any such owners, from time to time give them any such further information in relation thereto as they may desire.
- (b.) Within three weeks after the service of any such notice and plan upon any owners, such owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to such works, or 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

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

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 out, subject in all respects to the provisions of this 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.

- (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 notice 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 hereinafter provided.
- (f.) Where any such statement as last aforesaid has been served upon the operators they shall not, more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced, serve a notification upon the owners stating the time when such alterations are required to be commenced, and the manner in which such alterations are required to be made.
- (g.) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute such alterations as required by the operators, subject to the like restrictions and conditions as the operators would themselves be subject to in executing such alterations so far as the same may be applicable.
- (h.) If the owners decline, or, for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with such notification, the operators may themselves proceed to execute such alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.
- (i.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by such operators, and may be recovered summarily before the Resident Magistrate.
- (j.) Any owners may, if they think fit by any statement served by them under this section upon the operators, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned, as may be determined in manner provided by this Act, and where the 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.

(h.) 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 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 five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the operators shall not be subject to any such additional penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

20. Where the company require to dig or sink any trench, or do any other work for laying down or constructing any new electric lines (other than service-lines), or other works, near to which any sewer, drain, watercourse, defence pipe, or work under the jurisdiction or control of the local authority, or any main pipe, siphon, electric line, or other work belonging to any gas-, water-, or electric-supply company has been lawfully placed, or where any gas or water company require to dig or sink any trench, or to do any other work 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 company have been lawfully placed, the company, or such gas or water company (as the case may be) in this section referred to as "the operators," shall, unless in case of sudden emergency or unless it be otherwise agreed between the parties interested, give to the local authority or to such gas-, water-, or electric-supply company, or to the company (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, or to do such work as aforesaid; and such owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may from time to time be made by the owners or such officer for protecting from injury every such sewer, drain, watercourse, defence-pipe, siphon, 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 company) lay any electric line, crossing, or liable to touch any mains, pipes, lines, or services belonging to any gas-, water-, or electric-supply company, the conducting portion of such electric line shall be effectually insulated in a manner approved by the Board of Control, and the company shall not, except with the consent of the gas-, water-, or electric-supply company, as the case may be, and of the Board of Control, 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,

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

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 five pounds for every such default, and to a daily penalty not exceeding forty shillings: Provided that the operators shall not be subject to any such penalty if the Resident Magistrate 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 any Act but not under this Act.

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

For protection of railway and canal companies.

22. Seven days before commencing to lay down any electric line or to supply energy through any electric line in any manner whereby the work of telegraphic or telephonic communication through any wires or lines lawfully laid down or placed in any position may be injuriously affected, the company 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 concise nature and gauge of such electric line, 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 company shall conform with such reasonable requirements as may from time to time be made by such body or person as aforesaid for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid.

For protection of telegraph and telephone wires.

If any difference arises between any such body or person and the company with respect to the reasonableness of any requirement 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 company 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 to a daily penalty not exceeding forty shillings: Provided that the company shall not be subject to any such penalties as aforesaid if the Resident Magistrate shall be of opinion that the case was one of emergency, and that the company 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 company 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 company.

COMPULSORY WORKS.

23. (1.) The company shall, within a period of three years after the commencement of this Act, 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 hereinbefore specified the company shall at any time, after the expiration of two years after the commencement of this Act, lay down suitable and sufficient distributing mains for the purposes of general supply through every other street or part of a street within the area of supply upon being required to do so in manner by this Act provided.

All such mains shall be laid down by the company within six months after any requisition in that behalf, served upon them in accordance with the provisions of this Act, has become binding upon them, or within such further time as may in any case be approved of by the Board of Control.

(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 company shall (unless the authority, company, or person by whom such street is repairable consent to the breaking up thereof) forthwith apply to the Board of Control for the written consent of the Board, authorising and empowering the company to break up such street, and the requisition shall not be binding upon them if the Board of Control refuse their consent in that behalf.

24. 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 company shall serve upon the local authority, and upon the owner or occupier of all premises abutting on so much of the street as lies between the points of origin and termination of the electric line so to be laid, a notice stating that the company 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 Act, that a supply shall be given to their premises, the necessary distributing main shall be

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

As to laying of electric line under special agreement.

laid by the company at the same time as the electric line intended for such particular consumer.

25. If the company make default in laying down any distributing mains, in accordance with the provisions of this Act, within the periods prescribed in that behalf respectively, they shall be liable to a penalty not exceeding two pounds in respect of each such default for each day during which such default continues, and if the Board of Control 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 Act as to the whole, or, with the consent of the company, any part of the area of supply; or, if the company 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 company, and shall be of the like force and effect in every respect as though they were contained in this Act.

If company fail to lay down mains, &c., Act may be revoked.

26. Any requisition requiring the company 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 of premises along such street or part of a street, or where the local authority has the control and management of the public lamps in such street or part of a street by the local authority.

Manner in which requisition is to be made.

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

Forms of requisitions shall be kept by the company 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.

27. Where any such requisition is made by any such owners or occupiers as aforesaid, the company (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 any requisition, unless such persons, or some of them, will bind themselves to take or guarantee that there shall be taken a supply of energy for three years of such amount in the aggregate (to be specified by the company in such notice) as will, at the rates of charge at the time being charged by the company for 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 company in such notice: Provided that in such notice the company shall not, without the authority of the Board of Control, specify any annual sum exceeding one-fifth part of the estimated 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 suitable source of supply.

Provisions on requisition by owners or occupiers.

Where such notice is served the requisition shall not be binding on the company, unless within fourteen days after the service of such

notice on all persons signing the requisition has been effected, or, in case of difference, the delivery of the arbitrator's award, there be tendered to the company an agreement severally executed by such owners, or some of them, binding them to take, or guaranteeing that there shall be taken, for a period of three years at 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 company of all moneys which may become due to them from such persons under such agreement is offered to the company (if required by them by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

If the company 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 Control, 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 company, or may authorise the company 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 proportion, whether calculated as hereinbefore 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 Control any notice by the company under this section may be served by them within fourteen days after the decision of the Board of Control.

If any difference arise between the company and any person signing any such requisition as to any such notice, agreement, or security, such difference shall, subject to the provisions of this section and to the decision of the Board of Control upon any such appeal as aforesaid, be determined by arbitration.

28. Where any such requisition is made by the local authority it shall not be binding on the company, unless at the time when service is effected, or within fourteen days thereafter, there be tendered to the company (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.

SUPPLY.

29. The company 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 company 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 customers under this Act, or any regulations and conditions subject to which they are authorised to supply energy under this Act, give, and continue to give, a supply of energy for such premises in accordance with the provisions of this Act and of all such regulations and conditions as aforesaid, and they shall

Provision on requisition by local authority.

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

furnish and lay any electric lines that may be necessary for the purposes of supplying the maximum power with which any such owner or occupier may be entitled to be supplied under this Act, 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 company, although not on such property, shall, if the company 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 company, 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 company, 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 company for a supply of energy to ordinary customers within the area of supply, shall not be less per annum than one-fifth part of the estimated outlay to be incurred by the company in providing any electric lines required under this section, to be provided by them for the purpose of such supply, and give to the company (if required by them so to do) security for the payment to them of all moneys which may from time to time become due to them by such owner or occupier in respect of any electric lines to be furnished by the company, and in respect of energy to be supplied by them :

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

Provided also that the company 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 company 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.

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

If any difference arises between any such owner or occupier and the company 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.

31. The company 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 company in which they are for the time being required to maintain a current of energy for the purposes of general supply under this Act, or any regulations and conditions subject to which they are authorised to supply energy under this Act, shall give and continue to give a supply of energy to such lamps in such quantities as the local authority may from time to time require to be supplied.

Penalty for failure to supply.

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

Whenever the company 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 Act, they shall be liable to such penalties as may be prescribed in that behalf:

Provided that the penalties to be inflicted on the company under this section shall in no case exceed in the aggregate the sum of twenty pounds in respect of any defaults, not being wilful defaults, on the

part of the company for any one day; and provided also that in no case shall any penalty be inflicted in respect of any default if the Resident Magistrate 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.

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

Methods of charging.

- (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 Control.

Provided that where the company charge by any method so approved by the Board of Control, any consumer who objects to that method may, by one month's notice in writing, require the company 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 company 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 company shall give notice to the local authority by what method they propose to charge for energy supplied through such main, and where the company 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.

34. The prices to be charged by the company for energy supplied by them shall not exceed those stated in that behalf in the sections one and two of the Fourth Schedule respectively, or, in the case of a method of charge approved by the Board of Control, such price as the Board of Control shall, on approving such method, determine:

Maximum prices.

Provided that if the local authority or the company shall at any time after the expiration of seven years from the commencement of this Act make a representation to the Board of Control that the prices or methods of charge stated in the said Schedule, or approved by the Board of Control, ought to be altered, the Board, 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 such 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 the expiration of any or every period of seven years after the same were last altered.

35. Subject to the provisions of this 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 company may make any agreement with a customer as to the price to be charged for energy

Other charges by agreement.

and the mode in which such charges are to be ascertained, and may charge accordingly.

36. The price to be charged by the company 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 company, 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.

Price to public lamps.

ELECTRIC INSPECTORS.

37. The local authority may from time to time appoint and keep appointed one or more competent and impartial person or persons to be Electric Inspectors under the Act.

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, the Board of Control, on the application of any consumer or of the company, may from time to time appoint and keep appointed one or more competent and impartial person or persons to be Electric Inspectors under this Act.

The duties of an Electric Inspector under this Act shall be as follows:—

- (a.) The inspection and testing periodically, and in special cases, of the company's electric lines and works, and of the supply of energy given by them;
- (b.) The certifying and examining of meters; and
- (c.) Such other duties in relation to the undertaking as may be required of him under the provisions of this Act, or of any regulations under this Act.

The local authority, with the approval of the Board of Control, or the Board of Control, if the Inspector is appointed by them, may from time to time 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 Control, as the case may be.

38. The local authority may pay to any Electric Inspector appointed by them under this Act such reasonable remuneration (if any) as they may from time to time 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 Act, or any regulations of the Board of Control made in pursuance of this Act, according as the local authority shall determine.

39. The Board of Control 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 connection with the company's works, or as to the manner and extent in and to which the provisions of this Act and of any regulations under this Act, so far as such provisions affect the safety of the public, have been complied with by the company; and any person appointed under this section, not

Remuneration of Inspectors.

Inquiry by Board of Control.

being an Electric Inspector, shall for the purposes of his appointment have all the powers of an Electric Inspector under this Act.

TESTING AND INSPECTION.

40. On the occasion of the testing of any main of the company, reasonable notice thereof shall be given to the company 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 company, 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 Control, he shall not be entitled to have access to or interfere with the mains of the company at any points other than those at which the company have reserved for themselves access to the said mains: Provided that the company shall not be held responsible for any interruption in the supply of energy which may be occasioned 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 Control.

Testing of mains.

41. An Electric Inspector, if and when required to do so by any consumer, shall from time to time, 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 company upon the consumer's premises as may be necessary for the purpose of determining whether the company have complied with the provisions of this Act, and the regulations and conditions subject to which they are for the time being authorised to supply energy.

Testing of work and supply on consumer's premises.

42. The company 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 shall deem sufficient for testing the supply of energy by the company through such main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Board of Control, 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.

Company to establish testing-stations.

If any dispute arises between the local authority and the company 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 company of their duties under this section, such dispute shall be determined by arbitration.

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

Company to keep instruments on their premises.

time prescribe, and any observations so recorded shall be receivable in evidence.

Reading of instruments to be taken.

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

Electric Inspectors may test company's instruments.

45. Any Electric Inspector appointed under this Act shall have the right to have access at all reasonable hours to the testing-stations and premises of the company for the purpose of testing the electric lines and instruments of the company, and ascertaining if the same are in order, and in case the same are not in order he may require the company forthwith to have the same put into order.

Representation of company at testings.

46. The company 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 company 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.

Company to give facilities for testing.

47. The company shall afford all facilities for the proper execution of this Act with respect to inspection and testing, and the readings and inspection of instruments, and shall comply with all requirements of or under this Act in that behalf; and in case the company 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 two pounds, and to a daily penalty not exceeding twenty shillings.

Report of result of testing.

48. Every Electric Inspector shall, on the day immediately following that on which any testing has been completed by him under this Act, make and deliver a report of the results of his testing to the Board of Control, local authority, or consumer (as the case may be) by whom he was required to make such testing, and to the company, and such report shall be receivable in evidence.

If the company, the local authority, or any consumer are or is dissatisfied with any report of any Electric Inspector, they or he may appeal to the Board of Control against such report, and thereupon the Board of Control 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.

49. Save as otherwise provided by this Act, or by any regulations under this Act, all fees and reasonable expenses of an Electric Inspector shall, unless agreed, be ascertained by the Resident Magistrate, or by the Board of Control where the Inspector is appointed by them, and shall be paid by the company:

Provided that where the report of an Electric Inspector or the decision of the Board of Control 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 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 Act any such fees and expenses incurred in connection with such

proceedings shall be payable by the complainant or defendant as the Resident Magistrate shall direct.

METERS.

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

Meters to be used except by agreement.

51. A meter shall be considered to be duly certified under the provisions of this Act if it be certified by an Electric Inspector appointed under this Act to be a correct meter, and to be of some construction and pattern, and to have been fixed and connected with the service-lines in some manner approved of by the Board of Control, and every such meter is in this Act 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 Act.

Meter to be certified.

52. Every Electric Inspector, on being required to do so by the company 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.

53. Where the value of the supply is under this Act required to be ascertained by means of an appropriate meter, the company 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-line therewith, and procure such meter to be duly certified under the provisions of this Act, and for such purposes may authorise and empower any officer or person to enter upon such premises at any reasonable times and execute all necessary works and do all necessary acts: Provided that previously to supplying any such meter the company may require such consumer to pay to them a reasonable sum in respect of the price of such meter, either in cash or by such number not exceeding thirty-six of monthly instalments as such consumer shall elect, but until payment of the whole of such instalments the meter shall remain the property of the company. If the consumer desires to hire such meter the company may require him to enter into such an agreement for the hire of such meter as hereinafter provided.

Company to supply meters if required to do so.

54. No consumer shall connect any meter used or to be used under this Act for ascertaining the value of the supply with any electric line through which energy is supplied by the company, or disconnect any such meter from any such electric line, unless he has given to the company 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.

Consumer to keep his meter in proper order.

55. 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 company may cease to supply energy through such meter. The company 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 company.

Power to the company to let meter.

56. The company 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 company of such meter and fittings as may be agreed upon between the hirer and the company, or, in case of difference, decided by the Board of Control, and such remuneration shall be recoverable by the company summarily as a civil debt.

Company to keep meter let for hire in repair.

57. The company 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 company 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 company.

Differences as to correctness of meters to be settled by Inspector.

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

Company to pay expenses of providing new meter where method of charge altered.

59. Where any consumer who is supplied with energy by the company from any distributing main is provided with a certified meter for the purpose of ascertaining the value of the supply, and the company change the method of charging for energy supplied by them from such main, the company 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 company as a civil debt.

60. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the company may from time to time place upon his premises such meter or other apparatus as they may desire, for the purpose of ascertaining or regulating either the amount of energy supplied to such consumer or the number of hours during which such supply is given, or the maximum power 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 Control, and shall be supplied and maintained entirely at the cost of the company, and shall not, except by agreement, be placed otherwise than between the mains of the company and the consumer's terminals.

Company may place meter to measure supply or check measurement thereof.

MAPS.

61. The company shall forthwith, after commencing to supply energy under this Act, cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the height above or depth below the surface of all their then existing mains, service-lines, and other 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 company shall also, if so required by the Board of Control, cause to be made sections showing the height or level of all their existing mains, and of all underground works other than service-lines. The said map and sections shall be made on such scale or scales as the Board of Control shall prescribe.

Map of area of supply to be made and deposited.

Every map and section so made or corrected, or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept by the company 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 require the company to supply copies of the same, or any part thereof, and the company shall make such copies accordingly. The company 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, made for and supplied to such applicant, as they may from time to time prescribe.

The company shall, if so required by the Board of Control, supply to the Board of Control a copy of any such map or section, and from time to time 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 company.

If the company 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 five pounds, and to a daily penalty not exceeding forty shillings.

NOTICES, ETC.

62. Notices, orders, and other documents under this Act 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

Notices may be printed or written.

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

63. Any notice, order, or document required or authorised to be served upon any body or person under this 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 Control, the office of the Board.
- (b.) In the case of any County Council, the office of such Council.
- (c.) In the case of any local authority, the office of such local authority.
- (d.) In the case of the company, or any other company, having a registered office, the registered office of the company or such other 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.

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

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

Subject to the provisions of this Act as to cases of emergency, where the interval of time between the services of any notice or document under the provisions of this Act 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, and bank holidays, under and within the meaning of "The Bank and Bankers' Act, 1880," and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

REVOCATION OF ACT.

64. If at any time after the commencement of this Act the local authority make a representation to the Board of Control that the company have made any default in executing works, or supplying energy in accordance with the terms of this Act, and that such default is in consequence of the insolvency of the company, and that by reason of such insolvency the company are unable fully and efficiently to discharge the duties and obligations imposed upon them by this Act, the

Service of notices,
&c.

Revocation where
works not executed
through insolvency
of company.

Board of Control 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 further representations of the local authority, revoke this Act as to the whole or, with the consent of the company, as to any part of the area of supply.

65. If at any time after the commencement of this Act the company represent to the Board of Control that the undertaking cannot be carried on with profit, and ought to be abandoned, the Board of Control 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 Act as to the whole or, with the consent of the company and of the local authority, as to any part of the area of supply.

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

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

Revocation of Act with consent.

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

Provisions where order revoked.

(a.) The Board of Control shall serve a notice of such revocation upon the company 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 company under this Act for the supply of energy within such area or part thereof as aforesaid shall absolutely cease and determine.

(b.) The local authority and any body or person who may be liable to repair any street or part of a street in which any works of the company may have been placed, may forthwith remove such works with all reasonable care, and the company 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 company by such local authority or other body or person, or (if so required by the company within one week after the service of such notice upon them) as may be settled by arbitration.

If the company 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 company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of any such works as aforesaid, either by public auction or private sale, and for such sum or sums and to such person or persons as they may think fit; and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost 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 company.

- (c.) In case the local authority or any body or person may be entitled to compensation for any damage sustained by them by reason or in consequence of the execution of any works within such area or part thereof as aforesaid, or of the exercise of any powers by this Act granted to the company, or for any expenses to which such local authority, body, or person may have been put in removing any works of the company within such area or part thereof, under the provisions of this Act, such compensation shall be a first charge on any money that may have been deposited or secured by the company under the provisions of this Act in respect of such area or part thereof, and which may not have been repaid or released to the company; 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 Control, whose decision shall be final and binding on all parties.

GENERAL.

68. In the exercise of the powers in relation to the execution of the works given them under this Act, the company shall cause as little detriment and inconvenience, and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration.

69. The company shall not be entitled to prescribe any special form of lamp or burner to be used by any company or person, or in any way to control or interfere with the manner in which electricity supplied by them under this Act is used :

Provided always that no local authority, company, or person shall be at liberty to use any form of lamp or burner, or to use the electricity supplied to them for any purposes, or to deal with it in any manner so as to unduly or improperly interfere with the supply of electricity supplied to any other local authority, company, or persons by the company; and if any dispute or difference arises between the company and any local authority, company, or persons entitled to be supplied with electricity under this Act, as to the matters aforesaid, such dispute or difference shall be determined by arbitration.

70. If any local authority, company, or person neglect to pay any charge for electricity, or any other sum due from them to the company in respect to the supply of electricity to such local authority, company, or person, the company may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum, together with any expenses incurred by the company in cutting off such supply of electricity as aforesaid are fully paid, but no longer, discontinue such supply of electricity to such local authority, company, or person.

Compensation for damage.

Company not to prescribe special form of lamp or burner.

Recovery of charges, &c.

71. Any officer appointed by the company may at all reasonable times enter any premises to which electricity is or has been supplied by the company, in order to inspect the electric lines, meters, accumulators, fittings, works, and apparatus for the supply of electricity belonging to the company, and for the purpose of ascertaining the quantity of electricity consumed or supplied; or where a supply of electricity is no longer required; or where the company are authorised to take away and cut off the supply of electricity from any premises for the purpose of removing any electric lines, transformers, meters, accumulators, fittings, works, or apparatus belonging to the company, repairing all damage caused by such entry, inspection, or removal.

Power to enter lands or premises for ascertaining quantities of electricity consumed, or to remove fittings, &c.

72. Where any electric lines, transformers, meters, accumulators, fittings, works, or apparatus belonging to the company are placed in or upon any premises, not being in the possession of the company, for the purpose of supplying electricity under this Act, such electric lines, transformers, meters, accumulators, fittings, works, or apparatus shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor to be taken in execution under any process of a Court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be.

Electric lines, &c., not to be subject to distress in certain cases.

73. Any person who maliciously or fraudulently abstracts, causes to be wasted, or diverted, consumes or uses any electricity, shall be guilty of simple larceny, and punishable accordingly.

Stealing electricity.

74. Any person who unlawfully and maliciously cuts and injures any electric line or work, with intent to cut off any supply of electricity, shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding five years, or to be imprisoned with or without hard labour for any term not exceeding two years; but nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any provision of this Act, or under any other Act or at common law, so that no person be punished twice for the same offence.

Injuring works with intent to cut off supply of electricity.

75. Nothing in this Act shall authorise the company to make any alteration in any telegraphic line authorised and erected under the provisions of any general Act of the General Assembly of New Zealand, nor shall this Act exempt the company or their undertaking from the provisions of such general Act relating to the supply of electricity which may be passed in this or any future session of Parliament.

Provision for protection of telegraphic lines.

76. Where any matter, whether of damage, compensation, or otherwise is by this Act directed or required to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an arbitrator to be nominated and agreed upon by the parties in difference; or, failing such nomination and agreement, who shall be appointed arbitrator under and in accordance with the provisions of "The Arbitration Act, 1890."

Arbitration.

77. This Act shall be deemed to be a submission within the meaning of "The Arbitration Act, 1890," and all the provisions of such last-mentioned Act shall apply to any arbitration under this Act, and for that purpose be incorporated in this Act.

Act to be a submission to arbitration.

Remedying of
system and works.

78. If at any time it is represented to the Board of Control (a) that the company are supplying energy otherwise than by means of a system which has been approved by them, or have permitted any part of their circuits to be connected with earth without such approval as is required by this Act; or (b) that any electric lines or works of the company are defective, so as not to be in accordance with the provisions of this Act or the regulations and conditions subject to which the company are for the time being authorised to supply energy under this Act; or (c) that any work of the company or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line, the Board of Control may by order in writing make such requirements as to them may seem meet in the circumstances, and in particular may order any electric line that may have been placed over ground, or any part thereof, to be placed below ground, notwithstanding any consent given under section fifteen, and may direct the company to take such measures as may be necessary so as to comply therewith within such period as may be therein limited in that behalf; and if the company make default in complying with the order within the time so limited, they shall be liable to a penalty not exceeding ten pounds for every day during which such default continues:

Provided that in any case appearing to them to affect the public safety or any telegraphic line, the Board of Control may, if they think fit by the same or any other order, forbid the use of any such electric lines or works from such date as may be specified in that behalf until the order is complied with, or for such time as may be specified; and if the company make use of such electric lines or works, or any of them while the use thereof is so forbidden, they shall be liable to a penalty not exceeding twenty pounds for every day during which such user continues:

Provided also that if the company supply energy otherwise than by means of a system which has been approved of by the Board of Control, and fail to comply with any such order in respect thereof within the period limited in that behalf, the Board of Control may revoke this Act upon such terms as they may think fit.

79. All regulations and conditions, and all alterations thereof, made by the Board of Control under this Act affecting the undertaking, and for the time being in force, shall, within one month after the same shall have come into force, be printed at the expense of the company, and true copies thereof, certified by or on behalf of the company, 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 one shilling for each copy.

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

80. Where any security is required under this Act to be given to or by the company, 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 an agreement, as may be determined on the application of either party by the Resident Magistrate, who may also order by which of the parties the costs of the proceedings before them

Publication of
regulations.

Nature and amount
of security.

shall be paid, and the decision of the said Magistrate 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 six pounds per centum per annum on every sum so deposited for such period as the same remains in their hands.

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

Costs of application for approval or consent of Board of Control.

82. Where the Board of Control upon the application of the company give any approval or grant any extension of any time limited for the performance of any duties by the company, or when the Board of Control, upon the application of the local authority or the company, revoke this Act as to the whole or any part of the area of supply, notice that such approval has been given, or such extension of time has been 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 extension of time or revocation by Board of Control, &c., to be given by advertisement.

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

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

84. All penalties under this Act, or under any regulations made under this Act by the Board of Control, the recovery of which is not otherwise specially provided for, may be recovered in a summary manner before the Resident Magistrate of the district.

Recovery and application of penalties.

Any such penalty recovered on prosecution by an officer of the local authority shall be paid to such officer, and shall be applied by the local authority as they may direct.

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.

85. The company shall be answerable for all accidents, damages, and injuries happening through the act or default of the company or of any person in their employment, by reason of or in consequence of any of the company's 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.

Company to be responsible for all damage.

Saving clause for Electric Telegraph Commissioner.

86. Nothing in this Act shall affect any rights of any Electric Telegraph Commissioner appointed by "The Electric Lines Act, 1884."

Company not exempted from proceedings for nuisance.

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

Provision as to general Acts.

88. Nothing in this Act shall exempt the company or their undertaking from the provisions of, or deprive the company 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 Act.

PURCHASE BY WELLINGTON CITY CORPORATION.

Council may purchase after twenty-one years, paying for goodwill and value of plant.

89. The Mayor, Councillors, and citizens of the City of Wellington, incorporated under "The Municipal Corporations Act, 1886" (hereinafter called "The Corporation"), may at any time after the expiration of twenty-one and before the expiration of forty-two years from the date of the passing of this Act, by notice in writing, require the company to sell, and thereupon the company shall sell, to the Corporation the company's undertaking, or so much of the same as shall be within the area over which the Corporation shall have municipal jurisdiction, upon terms of paying the then value of the goodwill of the undertaking, or so much of such undertaking as shall be within such jurisdiction, and also the value of all lands, buildings, works, materials, and plant of the company suitable to and used by the company for the purposes of its undertaking, or so much of such undertaking as shall be within such jurisdiction as aforesaid, such values to be in case of difference determined by arbitration: Provided that such lands, buildings, works, materials, and plant shall be valued at their fair market value at the time of the purchase; due regard being had to the nature and then condition of such buildings, works, materials, and plant, and to the state of repair thereof, and the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, and where a part only of the undertaking is purchased, to any loss occasioned by severance.

Council may purchase after forty-two years or any subsequent ten years, paying for plant only.

90. The Corporation may, within six months after the expiration of a period of forty-two years from the date of the passing of this Act, and within six months after the expiration of every subsequent period of ten years, by notice in writing, require the company to sell, and thereupon the company shall sell, to the Corporation the company's undertaking, or so much of the same as is within the area over which the Corporation has municipal jurisdiction, upon terms of paying only the then value of all lands, buildings, works, materials, and plant of the company, suitable to and used by the company for the purposes of its undertaking, or so much of such undertaking as shall be within such jurisdiction as aforesaid, such value to be in case of difference determined by arbitration. In ascertaining the value of any such lands, buildings, works, materials, and plant as aforesaid, in connection with a purchase under this section, the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase; due regard being had to the

Plant to be valued as a going concern.

nature and then condition of such buildings, works, materials and plant, and to the state of repair thereof, and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking (and where a part only of the undertaking is purchased, to any loss occasioned by severance), but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which may or might have been or be made from the undertaking, or of any similar considerations.

91. The Corporation may, within six months after the expiration of a period of ten years from the date of the passing of this Act, and within six months after the expiration of a period of fourteen years from the date of the passing of this Act, and within six months after the expiration of every subsequent period of seven years, by notice in writing, stated to be given under this section, require the company to sell, and thereupon the company shall sell, to the Corporation the company's undertaking, or so much of the same as shall be within the area over which the Corporation shall have municipal jurisdiction, upon terms of paying to the company the amount of capital which shall have been from time to time expended *bond fide* by it upon the undertaking, or so much of such undertaking as shall be within such jurisdiction as aforesaid, and also upon terms of paying to the company, if necessary, such a further sum as shall make the total net profits earned by the company to the date of the completion of the purchase up to ten pounds per centum per annum on such capital as aforesaid, such amount and sum to be in case of difference settled by arbitration: Provided that, in estimating such total profits as aforesaid for the purposes of this section, no sums shall be written off the same as for depreciation of the lands, buildings, works, materials, and plant of the undertaking, but this proviso shall not be held to apply to proper repairs actually executed.

Corporation may purchase after ten, fourteen, or any subsequent seven years, paying for plant and making profits up to £10 per centum.

Proviso.

92. The Board of Control may determine any other questions which may arise in relation to a purchase of the undertaking under any of the provisions regarding purchase by the Corporation hereinbefore contained, and may fix the date from which any such purchase is to take effect.

Board of Control may determine questions.

93. From and after the date fixed as last aforesaid, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plant purchased shall vest in the Corporation freed from any debts, mortgages, or similar obligations of the company or attaching to the undertaking, and the powers of the company in relation to the supply of electricity under this Act within such area as aforesaid shall absolutely cease and determine, and shall vest in the Corporation.

Upon purchase plant and powers to vest in Corporation.

94. Every arbitration to be made in connection with any of the provisions regarding purchase of the undertaking by the Corporation hereinbefore contained, shall be conducted in all respects in accordance with the provisions of "The Arbitration Act, 1890," or any then subsisting statutory modification or re-enactment thereof, and the submission to every such arbitration shall be deemed to be a reference to two arbitrators, one to be appointed by each party, such arbitrators to appoint an umpire.

Mode of arbitration in connection with purchase by Corporation.

Corporation may raise special loan for effecting purchase.

95. For the purpose of effecting a purchase under any of the provisions for purchase hereinbefore contained, the Council may from time to time raise any sums of money by way of special loan within the meaning of "The Municipal Corporations Act, 1886," or any then subsisting statutory modification or re-enactment thereof.

Application of moneys received by Corporation for supply of electricity.

96. After any such purchase by the Corporation as aforesaid, all moneys from time to time received by the Corporation as the price of electricity supplied, or otherwise, under or in connection with the exercise of the powers acquired by it under such purchase, shall be applied in like manner as if the same were moneys received by the Corporation under or in connection with the exercise by it of the powers to supply electricity for the time being vested in the Corporation by law.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE City of Wellington, including such area as may from time to time hereafter be comprised therein.

SECOND SCHEDULE.

LIST of STREETS and parts of Streets throughout which the Company is to place distributing mains within a period of three years from the commencement of this Act.

THORNDON Quay, Tinakori Road, Hobson Street, Murphy Street, Molesworth Street, Hawkestone Street, Hill Street, Sydney Street, Bowen Street, Waring Taylor Street, Brandon Street, Grey Street, Willis Street, Woolcombe Street, Jervois Quay, Ghuznee Street, Ingestre Street, Webb Street, Wright Street, Lorne Street, Vivian Street, Hopper Street, Banks Street, Kent Terrace, Pirie Street, Austin Street, Featherston Street, Lambton Quay, Wellington Terrace, Bolton Street, Aurora Terrace, Clifton Terrace, Customhouse Quay, Whitmore Street, Ballance Street, Johnston Street, Panama Street, Hunter Street, Upper Willis Street, Church Street, Boulcott Street, Cuba Street, Abel Smith Street, Hankey Street, Courtenay Place, Jessie Street, Buckle Street, Thompson Street, Tasman Street, Sussex Square, Ellice Street, Adelaide Road, Grant Road, Charlotte Street, Museum Street, Mulgrave Street, Pipitea Street, Bunny Street, Wesley Road, Botanical Road, May Street, Fitzherbert Terrace, Parliament Street, Harbour Street, Nairn Street, Manners Street, Dixon Street, Taranaki Street, Wordsworth Street, Wallace Street, Ebor Street, College Street, Arthur Street, Tory Street, Crawford Street, Majoribanks Street, Brougham Street, Riddiford Street, Oriental Terrace, Hay Street, South Road, Constable Street, Owen Street, Hawker Street, Roxburgh Street, Russell Terrace, Lawrence Street, Daniell Street, Clyde Quay, Rintoul Street, Mein Street, Coromandel Street, Waterloo Quay, and Queen's Wharf approach.

THIRD SCHEDULE.

LIST of STREETS not repairable by the Local Authority, Railways and Tramways which may be broken up by the company in pursuance of the special powers granted by this order.

THE New Zealand Railway, the Wellington and Manawatu Railway, the Wellington City Tramways Company, Waterloo Quay and Queen's Wharf Approach.

FOURTH SCHEDULE.

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

Section 1.—Where the company 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, £1; and for each unit over twenty units, 1s.

Section 2.—Where the company 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 company under any regulations made under this Act.