

1936*(Enregistré sur les Records le 9 mai 1936.)*

AT THE COURT AT BUCKINGHAM PALACE,

The 24th day of March, 1936.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD STEWARD.

MR. SECRETARY MALCOLM MACDONALD.

MR. EARLE PAGE.

Loi relative
à la
Fourniture
de la
Lumière
Electrique
(Alderney).

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 20th day of March, 1936, in the words following, viz. :—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 31st day of January, 1936, to refer unto this Committee a humble Petition of Robert Walter Mellish, Judge and President of the States of the Island of Alderney setting forth :—

‘That on the 30th day of May, 1934, the States of Alderney were of opinion to grant to Mathew Peter Davidson Marshall of Charmouth in the county of Dorset, England, a concession to supply Electricity in the Island of Alderney subject to the ratification by Your Most Gracious Majesty in Council of the *Projet de Loi* regulating the rights and duties of the said Marshall in relation thereto. That at a Meeting of the States of Alderney holden before Your Petitioner on the 14th day of November, 1934, the States took into consideration and were of opinion to adopt the *Projet de Loi* intituled “*Projet de Loi relatif à la fourniture de la lumière électrique dans l’Ile d’Auregny.*” That the said *Projet* was submitted to the Electricity Commissioners for consideration, who advised that certain amendments should be made thereto. That at a Meeting of the States of Alderney holden before Your Petitioner on the 5th day of June, 1935, the States were of opinion to annul

the said Projet and to substitute therefor the Projet de Loi intituled "Projet de Loi relatif à la fourniture de la lumière électrique" and to approve of and adopt the said Projet. That at a Meeting of the States of Alderney holden before Your Petitioner on the 23rd day of September, 1935, the States took into consideration, certain amendments and additions to the said Projet and were of opinion to approve thereof and to order they form part of the said Projet, and Your Petitioner was authorised to present in the name of the States a most humble Petition to Your Most Gracious Majesty in Council praying Your Majesty to be graciously pleased to grant thereto Your Royal Sanction. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the said Projet de Loi, and to order the same to have the force of Law in Your Majesty's said Island of Alderney.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition, and the Projet de Loi annexed thereto, into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HIS MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of His Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of law within the Island of Alderney.

AND HIS MAJESTY doth hereby further direct that this Order and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

1936

AND the Lieutenant Governor or Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other His Majesty's Officers for the time being, of the said Island of Guernsey, and also the Judge and Jurats of the said Island of Alderney, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

M. P. A. HANKEY.

Loi referred to in the foregoing Order.

PROJET DE LOI RELATIF À LA FOURNITURE
DE LA LUMIÈRE ÉLECTRIQUE.

WHEREAS on the 30th day of May, 1934, the States of Alderney decided to grant to Mathew Peter Davidson Marshall, of Charmouth, Dorset, England, power and authority to the exclusion of all others to supply Electricity in the Island of Alderney subject to the preparation of a Projet de Loi regulating the rights and duties of the said Marshall in relation thereto and to the ratification by His Majesty the King in Council of such Projet de Loi.

The States have adopted the following provisions which subject to the sanction of His Majesty in Council, shall have force of Law in this Island:—

Concession.

1.—THE said Mathew Peter Davidson Marshall, his heirs, executors, administrators and permitted assigns (hereinafter referred to as "the Grantee") are hereby granted power and authority to the exclusion of all other persons and bodies corporate or unincorporate to supply electric light and power for use in the Island of Alderney, and are authorised subject as hereinafter provided to construct and maintain on any land purchased, leased or otherwise lawfully occupied by them, all such buildings, plant, machinery, fixtures and fittings as may be necessary for the generation and distribution of electricity in the said Island. Before the

1936

commencement of any work in relation to a generating or distributing station the site and the general lay-out thereof shall be approved by a Committee appointed by the States. The said work and the installation of all cables, wires and other electrical apparatus shall be carried out by the Grantee to the satisfaction of the said Committee and in conformity with all regulations made from time to time by the Court of Alderney in the interest of the public and in accordance with the rules and regulations of the Institution of Electrical Engineers, and after having obtained permission from the Court in the cases regulated by the Ordinance relating to Roads and Streets of the twelfth day of February, One thousand eight hundred and fifty-eight.

2.—THE Grantee may under the supervision of the said Committee and subject to such conditions as may be prescribed by the States, or by the States Roads Committee or by the Douzaine, as the case may be :—

Permitted works.

1.—Raise the paving and open trenches in any road, street or byway in this Island for the purpose of placing conductors or fixing posts, and for repairing, changing, or removing such cables, conductors and/or posts.

2.—Erect posts wherever required for the suspension of electric cables.

3.—Construct in the roads, streets and byways such chambers as may be required for the control, inspection and testing and measurement of the electric current passing through the said cables.

3.—THE Grantee in carrying out the said work shall before commencing the same obtain permission from the Roads Committee or the Douzaine as the case may be.

Permission of Roads Committee or Douzaine required.

4.—BEFORE commencing any of the work mentioned in Article 2, the Grantee shall give notice in writing to those in charge of or who have the superintendence of the road, street or byway where the work

Notice to be given.

1936

is to be carried out at least one week before commencing the said work, excepting in cases of urgency owing to a defect or leakage in any conductor or wire, and in this case the Grantee shall give notice to whom it may concern as soon as possible.

Carrying
out and
completion
of work.

5.—WHEN the Grantee shall have opened up any roadway or lifted the paving of any street he shall carry out and complete the work as quickly as possible and shall leave the same in a good state and condition and shall remove any and all rubbish.

Whilst any work is in progress in any street, road or byway the Grantee shall put up a barricade and shall keep a light thereon during the night so as to give warning thereof.

After having repaired any road or replaced any paving in any street the Grantee shall be responsible for maintaining the portion so repaired or replaced in a good state of repair for three months thereafter or for a term not exceeding one year as may be required by reason of the work done, the whole subject to the approval of the States Roads Committee or the Douzaine as the case may be.

Penalties
for delay,
negligence,
etc.

6.—IN the event of the Grantee opening up any road or street without having given notice thereof to the competent authority as required by this Law or having carried out any work other than in the manner approved of by the competent authority, or not having carried out the work required for the protection of the public during the progress of such work, or delaying the completion of the said work or causing delay in the repairing or restoring of the said road or street or paving or failing to remove all rubbish or by neglecting to enclose the said works in a satisfactory manner, or failing to keep a light thereon at night, or failing to keep the said road in a good state of repair during the required period he shall be liable to a fine which shall not exceed Five Pounds sterling and to a penalty which shall not exceed One Pound sterling per day whilst such delay or negligence shall continue.

7.—THE Grantee shall be bound to commence the work authorised by this concession within one year from the date of the registration of the Order-in-Council sanctioning this Law and to complete the installation of the electric current in at least thirty houses within two years of the said date, after which latter period if the said works are not completed, all wires, conductors and accessories which may have been laid or suspended in and over the roads, streets and byways in this Island shall become and shall remain the property of the States.

8.—(1) At any time after the expiration of two years from the date of the registration of the Order-in-Council sanctioning this Law any six or more owners or occupiers of the premises in any street or part of a street may serve upon the Grantee a requisition in writing signed by the said owners or occupiers requiring the Grantee to provide a distribution main or mains for the purpose of affording a supply of electricity for domestic purposes to ordinary consumers in that street or part of a street.

(2) Subject to the necessary permission being obtained from the Roads Committee or the Douzaine and to the provisions hereinafter contained the Grantee shall comply with such requisition within a reasonable time by providing the necessary distribution main or mains.

(3) Where any such requisition is made by any such owners or occupiers as aforesaid the Grantee may if he thinks fit within twenty-eight days after the service of the requisition upon him serve a notice on all the persons by whom the requisition is signed stating that he declines to be bound by the requisition unless those persons or some of them will bind themselves by written agreement to take or will guarantee that there shall be taken a supply of electricity for a period of three years at the least of such amount in the aggregate as may be specified by the Grantee in the notice as will at the rates of charge for the

1936

Commence-
ment of work
and supply.Extension
of supply.

1936

time being charged by the Grantee for the supply of electricity for domestic purposes to ordinary consumers produce annually such a reasonable sum as is specified by the Grantee in the notice not exceeding twenty per cent upon the expense of providing and laying down the required distribution mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distribution mains to the nearest available source of supply.

(4) Where such a notice is served by the Grantee the requisition shall not be binding on him unless within twenty-eight days after the service of the notice by the Grantee on the persons signing the requisition has been effected or in the case of difference within fourteen days after a decision of the Court of Alderney with reference thereto, there be tendered to the Grantee an agreement severally executed by those persons or some of them binding them to take or guarantee that there shall be taken a supply of electricity for a period of three years at the least of such amount as will in the aggregate at the rates of charge above specified produce an annual sum amounting to the sum specified in the notice, nor unless sufficient security for the payment to the Grantee of all moneys which may become due to him from those persons under the agreement is offered to the Grantee (if required by him by such notice as aforesaid) within the period limited for the tender of the agreement as aforesaid.

(5) If any difference arises between the Grantee and any person signing any such requisition as to any such notice or agreement that difference shall be determined by the Court of Alderney whose decision shall be final.

9.—(1) The Grantee shall subject to the provisions hereof upon being required so to do by the owner or occupier of any premises situate within fifty yards from any distribution main of the Grantee give and continue

to give a supply of electricity for domestic purposes to ordinary consumers for those premises and the Grantee shall provide and fix any necessary electric lines subject to the conditions following that is to say :—

1936

The cost of so much of any electric line for the supply of electricity to any owner or occupier as may be laid upon the property of that owner or in the possession of that 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 distribution main of the Grantee although not on that property, shall, if the Grantee so requires, be defrayed by that owner or occupier.

From the time when the Grantee commences to supply energy through any distributing main, he shall maintain a supply of energy sufficient for the use of all consumers for the time being entitled to be supplied from that distributing main, and that supply shall be constantly maintained without change of polarity in the case of direct current and without change of the neutral conductor in the case of alternating current.

Provided that for the purposes of testing or for any other purposes connected with the efficient working of the undertaking, the supply of energy may be discontinued by the Grantee for such period as may be necessary subject (except in cases of emergency) to not less than 24 hours' notice being given by the Grantee to all consumers likely to be affected by such discontinuance ; and in the event of any such consumer objecting, the supply of energy shall not be discontinued (other than in cases of emergency) except with the consent of the said Committee appointed by the States and subject to such conditions as they may impose. Provided also that the polarity in the case of direct current and the neutral conductor in the case of alternating current may be changed with the like consent.

1936

(2) Every owner or occupier of premises requiring a supply of electricity as aforesaid shall:—

(a) Serve a Notice upon the Grantee specifying the premises in respect of which the 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 the notice) upon which the supply is required to commence; and

(b) If required by the Grantee enter into a written contract with him to continue to receive and pay for a supply of electricity for a period of at least two years of such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the Grantee for a supply of electricity to ordinary consumers shall not be less than twenty per centum per annum on the outlay incurred by the Grantee in providing any electric lines required under this section to be provided by him for the purpose of the supply, and if required by the Grantee give to him security for the payment to him of all moneys which may become due to him by the owner or occupier in respect of any electric lines to be furnished by the Grantee and in respect of electricity to be supplied by him.

(3) Provided always that the Grantee may, after he has given a supply of energy in respect of any premises, by notice in writing, require the owner or occupier of those premises within seven days after the date of the service of the notice, to give to him security for the payment of all moneys which may become due to him in respect of the supply, in case the owner or occupier has not already given that security, or in case any security given has become invalid or is insufficient; and in case any such owner or occupier fail to comply with the terms of the notice, the Grantee may, if he thinks fit, discontinue to supply electricity for the premises so long as the failure continues.

10.—THE Grantee may place any electric line below ground across any land and above ground across any land other than land covered by buildings or used as a garden or pleasure ground, and where any line has been so placed across any land the Grantee or his Agent may enter on the land for the purpose of repairing or altering the line after giving seven days' notice thereof, excepting that in the case of entry for the purpose of restoring interrupted service, emergency repairs, or inspection when defects are suspected or reported only such notice shall be given as may be possible without incurring undue delay.

1936

Lines may
be placed
across land.

Provided that before placing any such line across any land, the Grantee shall serve on the owner and occupier of the land notice of his intention together with a description of the nature and position of the lines proposed to be placed and if, within twenty-one days after the service of the notice, the owner or occupier fail to give their consent, or attach to their consent any terms or conditions or stipulations to which the Grantee objects, it shall not be lawful to place the line across that land without the permission of the Court of Alderney sitting with final jurisdiction: and the said Court may, after all the parties have had an opportunity of being heard, give their permission either unconditionally or subject to such terms, conditions and stipulations as they think just; and in deciding whether to give or to withhold their permission or to impose any terms, conditions or stipulations (including the carrying of any portion of the line underground) the Court shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land of the placing of the line in the manner proposed.

Provided also that where any such line has been placed across any land whether by consent of the owner or occupier of the land, or by permission of the Court, the owner or occupier may at any time after the expiration of twelve calendar months from the

1936

date when such consent or permission was given, or after the expiration of any term for which such consent or such permission was given as the case may be, serve a notice on the Grantee requiring the Grantee to remove such line from the land or to alter its position, and the reason for such requisition shall be stated in the notice. And if, within sixty days after the service of such notice the requisition has not been complied with, the person who caused the notice to be served may apply to the said Court for an order confirming the notice, and the Court may, after all the parties have had an opportunity of being heard, make such order either unconditionally or subject to such terms, conditions and stipulations as it thinks just.

Pressure
of supply.

11.—THE normal pressure of supply for domestic purposes shall be Two hundred and twenty volts and such pressure shall be maintained within three per centum of that pressure.

Wiring, etc.,
to be in
good state.

12.—THE Grantee shall not be bound to supply electric current to any property unless he is satisfied that the conductors, wiring and apparatus therein and thereon are in a good state and condition and not likely to interfere with the current supplied to any other premises. All meters used shall be of some construction and pattern approved under the British Electricity (Supply) Acts.

Unauthorised
use of
current, etc.

13.—ANY person who shall without authority use or deflect any current from the wires or conductors belonging to the Grantee shall be liable to a fine payable to the Grantee which shall not exceed Five Pounds sterling, and any person who shall knowingly or through neglect break or damage any wire or any accessory belonging to the Grantee, or who knowingly or wilfully shall commit any act which may cause a waste of electric current, shall be liable to a fine payable to the Grantee which shall not exceed Five Pounds sterling.

Charges
for
current.

14.—THE Grantee may charge for current used, in the absence of a special agreement, as indicated by meter.

15.—A meter shall be fixed in every property supplied with electric current which shall correctly register in Board of Trade Units the amount of energy supplied. The maximum price charged by the Grantee shall not exceed Eleven pence per Board of Trade Unit unless and until otherwise fixed as hereinafter provided.

1936

Maximum
price and
revision
thereof.

The States may six months before the expiration of Five years from the date of registration of this present Law, or six months before the expiration of each subsequent period of Five years give notice to the Grantee that they are of opinion that in the interest of the public a revision of the said tariff should be made in order that a reduction thereof may be made. Similarly it shall be lawful for the Grantee, six months before the expiration of Five years from the date of registration of this present Law or six months before the expiration of each subsequent period of Five years to give notice to the Treasurer of the States that the maximum tariff set forth above is not sufficiently high. In case of dispute such revision shall be referred to Arbitration as hereinafter provided.

16.—ALL sums due to the Grantee for the supply of electric current shall be paid by and shall be recoverable from any person who may have received or made use of electric current supplied by the Grantee.

Payment of
charges.

17.—A Committee shall be appointed by the States to superintend the work undertaken by the Grantee and the said Committee shall be authorised to engage the services of a competent Engineer at the expense of the States for this purpose. The Grantee shall not be permitted to commence supplying electric current to the public before having received permission from the Court so to do. Such permission shall not be granted unless the said Committee shall have reported that the work has been carried out in accordance with the requirements of this Law and with due regard to the safety of the employees of the Grantee and of the Public.

Committee
to
superintend
work.

1936

Inspections
and repairs.

18.—AN inspection of the works, electric wires and apparatus belonging to the Grantee shall be made annually at the expense of the Grantee or more often if the States consider it necessary by a competent person appointed by the Committee who shall present a report in writing on any question submitted by the Committee, and the Grantee shall be bound to make such alterations and such repairs as may be found necessary by the said Committee and any neglect on the part of the Grantee to carry out such work in a reasonable time shall render him liable to a fine at the discretion of the Court which shall not exceed Ten Pounds sterling, and the States Committee may cause such alterations and repairs to be carried out at the expense of the Grantee. Provided always that should the cost of such inspection or inspections exceed the sum of Five Guineas sterling in any one year, the expenses in excess of such sum shall be borne in equal portions by the States and the Grantee.

Entry into
premises.

19.—EVERY person acting under the authority of the Grantee may, at all reasonable times, enter into and upon all Houses and premises supplied with electricity, in order to examine the wires, mains, meters, instruments and other apparatus belonging to the said Grantee, and for the purpose of ascertaining the quantity of current supplied or consumed, and for the purpose of removing any wires, mains, meters, instruments and other apparatus belonging to the Grantee where a supply of electricity is no longer required for the said premises or where the Grantee is authorised to cut off the supply of electricity from such Houses or premises. If any impediment is made to such examination the Grantee may cut off the supply of current to such Houses or premises. Any person acting as above under the authority of the Grantee shall be obliged to wear some distinguishing badge or uniform in order that such person may be easily recognised as acting under the authority of the Grantee. The Grantee shall be bound to repair any damage done to

the said Houses and premises by the removal of the said wires, mains, meters, instruments and other apparatus. 1936

For the purposes of this Article the following shall be deemed to belong to the Grantee:—

(a) The wires, mains, meters, instruments and other apparatus let on hire to the consumers.

(b) The wires, mains, meters, instruments and other apparatus sold by the Grantee on terms of payment by instalments until such time as all the instalments have been paid.

20.—AT any time not less than twelve months before the expiration of twenty-one years from the date of the registration of this present Law on the Records of this Island or not less than twelve months before the expiration of a further period or of further periods of Seven years each as from the expiration of twenty-one years from the said date of registration of this present Law, the States shall be at liberty to give notice to the Grantee that the States require to purchase his concession, and at the expiration of the said term of Twenty-one years or of such further terms or term of seven years as aforesaid the Grantee shall be bound to cede and relinquish to the States the electrical undertaking provided by the Grantee under the concession hereby granted including any real and personal property comprised therein (except monies and securities for money). The price shall be the fair value of the said real and personal property (monies and securities for money excepted) on the day when the said Twenty-one years or such further term or terms of seven years as aforesaid expire plus an additional fifteen per cent. of such value and on that day the concession of the Grantee shall cease and determine. The said price shall be paid to the Grantee within three months of the expiration of the said twenty-one years or such further term or terms of seven years as aforesaid. In case of dispute as to the valuation of the said Personal Purchase of
concession
by States.

1936

and real property then the same shall be referred to arbitration as hereinafter provided.

No compensation shall be payable for goodwill nor for any work undertaken after the said notice has been given unless such new work has been sanctioned in writing by the Committee.

Grantee
may sell
Concession.

21.—WHEN permission has been obtained from the Court to supply electricity in accordance with Article 17 of this Law then subject as herein provided the Grantee shall have the right at any time to sell and convey the concession hereby granted and the electrical undertaking provided by the Grantee thereunder to any person who is a subject of His Majesty the King, to any Company incorporated in Alderney or in any of His Majesty's other possessions or (subject to the approval of the Court) to any other person or body corporate who or which shall have the right to hold, use, enjoy and exercise all rights, immunities and privileges conferred on the Grantee by this Law and shall be subject to the obligations imposed thereby. No sale or conveyance of the said concession and electrical undertaking or of any part thereof shall be made save under the following conditions:—Notice thereof shall be given in writing to the States. The said Notice shall state the consideration for such sale or conveyance and the States shall then have a period of three months in which to decide whether or not they will themselves purchase the said concession and undertaking for the same consideration. If the States exercise this option to purchase they shall complete the purchase and pay over the consideration within six months of the date of the aforesaid Notice. If the States decide not to exercise such option or having decided to exercise the same fail to complete as aforesaid then the Grantee shall be at liberty to dispose of the said concession and undertaking and of all personalty and realty belonging thereto to any person or Company as aforesaid at any time within twelve months

of the date of the said Notice provided that the consideration shall not be less than that stated in the said Notice.

1936

22.—THE Grantee shall within one month from the date of registration of His Majesty's Order in Council ratifying this Law on the Records of this Island deposit with the Treasurer of the States of Alderney the sum of One Hundred Pounds sterling, which said sum shall be repaid to the Grantee when the Committee appointed under Article 17 of this Law shall have certified to the States that current has been furnished to thirty Houses in this Island. The States shall pay interest at the rate of Two and one-half per cent per annum on the said sum to reckon from the date of deposit up to the date of repayment. The sum so deposited shall be forfeited to the States if the above recited works are not commenced within one year from the date of registration of the Order in Council ratifying this Law.

23.—FAILURE to deposit the said sum of One Hundred Pounds as required by Article 22, or failure to commence work or to complete the installation in the time set out in Article 7 of this Law or failure to comply with the provisions of Article 26 of this Law shall render this concession liable to cancellation. Should this concession be cancelled by reason of any such failure on the part of the Grantee, then unless under the provisions of this Law the wires, conductors, and accessories of the Grantee laid or suspended in or over the roads, streets and byways in this Island shall become the property of the States the Grantee at his expense shall remove and take away if required by the States so to do from all roads and other public places all cables, poles, wires, and other accessories placed there by the Grantee.

24.—THE States Committee shall satisfy itself from time to time that the buildings belonging to the Grantee are well built and kept in good condition and that

1936

the works constructed are of a good and permanent character where necessary, and capable of extension if necessary.

Saving of
Court's
power to
make
Regulations.

25.—THE Articles of this Law shall in no way derogate from the powers of the Court to pass from time to time such regulations as may be necessary for the safety of the Public and to give effect in this Island of Alderney to the regulations of the British Electricity Commissioners.

Insurance

26.—DURING the currency of the Concession hereby granted the Grantee shall insure and remain insured in an Insurance Company approved by the States Committee in an amount and on terms and conditions approved by the said Committee in respect of any liability which may be incurred by the Grantee arising out of damage to persons or property caused by the wires, current or works belonging to the Grantee or by any act or thing done or omitted by the Grantee in relation to the supply of electricity in the Island of Alderney.

Arbitration.

27.—SHOULD any matter be referred to Arbitration as hereinbefore provided then each party to the dispute shall appoint one Arbitrator and should such Arbitrators fail to agree then immediately an umpire shall be appointed by the President for the time being of the Institution of Electrical Engineers in London or should he be unwilling to make such an appointment then by the President of the Electricity Board of the States of the Island of Guernsey. The decision of such arbitrators or umpire as the case may be both as to the matter in dispute and as to the costs of the arbitration shall be final and binding.

Rights of
His Majesty's
Government.

28.—THE present Law shall be deemed to be without prejudice to the rights of His Majesty's Government with regard to Posts and Telegraphs.