

(Registered on the Records on the 17th July, 1948.)

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of June, 1948.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD PRIVY SEAL.

LORD KILLEARN.

MR. SECRETARY EDE.

MR. SECRETARY NOEL-BAKER.

MR. MACKENZIE.

SIR FRANK SOSKICE.

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 31st day of May, 1948, in the words following, viz:—

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

"YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee a humble Petition of Frank Henry Cufaude Wiltshire, Knight Bachelor, M.C., Judge and President of the States of the Island of Alderney, setting forth:—

'That at a Meeting of the States of Alderney holden before Your Petitioner on the 2nd day of March, 1948, the States considered and adopted a *Projet de Loi* amending the *Projet de Loi* intituled "*Projet de loi relatif à la fourniture de la lumière électrique,*" which was sanctioned by His Most

Gracious Majesty in Council on the 24th day of March, 1936, 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 Your Majesty to grant Your Royal Sanction to the said *Projet de Loi* (a copy whereof is hereunto annexed), 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.

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.

E. C. E. LEADBITTER.

Projet de Loi referred to in the foregoing
Order in Council.

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PROJET DE LOI

INTITULÉ

“ LOI PORTANT AMENDEMENT À LA LOI
RELATIVE À LA FOURNITURE DE LA
LUMIÈRE ÉLECTRIQUE ”.

WHEREAS by virtue of the Loi relative à la Fourniture de la Lumière Electrique approved by His Majesty in Council on the 24th day of March, 1936, and duly registered on the Records of this Island (hereinafter referred to as “ the 1936 Law ”) the States of Alderney granted to Mathew Peter Davidson Marshall (therein and hereinafter referred to as “ the Grantee ”, which expressions therein included and hereinafter includes his heirs, executors, administrators and permitted assigns) the sole right, subject as in the 1936 Law provided, to supply electric light and power for use in the Island of Alderney, and to do such things ancillary to such right as were thereafter set out :

WHEREAS the Grantee with the consent of the States of Alderney by Deed dated the fourth day of October, 1939, duly transferred to the Alderney Light and Power Company Limited (a Company incorporated by Act of the Court of Alderney on the 22nd day of July, 1939, and registered on the Companies Register of the Island of Alderney hereinafter referred to as “ the Company ” which expression shall where the context so permits include the Company’s successors and permitted assigns) the benefit and burden of the concession granted by the above-recited right, together with all buildings plant machinery cables wires and other electrical apparatus fixtures and fittings erected or installed by the Grantee thereunder as existing on the said fourth day of October, 1939, (all of which are hereinafter collectively referred to as “ the Grantee’s apparatus ”):

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WHEREAS the German Forces occupied the Island of Alderney and seized the Grantee's apparatus and so converted and altered the same that they do not now comply in all respects with the requirements of the 1936 Law:

WHEREAS the Company have now resumed possession of the Grantee's apparatus and have resumed the supply of electric light and power for use in the Island of Alderney.

THE STATES OF ALDERNEY have therefore approved the following provisions which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of Law in the Island of Alderney.

Grantee.

1. The 1936 Law shall be construed as though the Company were therein substituted for the Grantee, and references therein to the Grantee shall be construed as references to the Company.

Compliance
with
Regulations,
etc.

2. (i) References in the 1936 Law to the rules and regulations of the Institution of Electrical Engineers shall be deemed to be references to the Electricity Supply Regulations made under and by virtue of the Electricity (Supply) Acts 1882 to 1936 and the Overhead Lines Regulations made under and by virtue of the Electricity (Supply) Acts 1882 to 1928 (which said latter Regulations are hereinafter together called "the Regulations").

(ii) Notwithstanding anything in the provisions of the 1936 Law contained, the Regulations shall not be enforced until the expiration of twelve months after the date of the registration of this Law on the Records of this Island in respect of the Grantee's apparatus as re-possessioned by the Company, in so far as the same are retained and worked by the Company, but shall apply and be enforceable forthwith in respect of any cables, wires, electrical apparatus, plant, machinery, fixtures and fittings installed by the

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Company after the said date of registration (hereinafter called "the date of registration") and the provisions of Article 1 of the 1936 Law shall be read and construed accordingly.

(iii) In pursuance of the provisions of paragraph (i) of this Article the Company shall as soon as practical, and in any event within one year of the date of registration, take such steps in respect of all or any part of the Grantee's apparatus which does not conform with the requirements of the said Regulations as may be necessary to reinstate or adjust such apparatus or such part thereof so as to conform with the Regulations, and notwithstanding anything in this Article contained shall not at any time permit the Grantee's apparatus or any part thereof to become or to remain in a dangerous condition.

(iv) The States of Guernsey Telephone Council shall have in respect of the telegraphic lines (which expression shall have the same meaning as in the Telegraph Act 1878) owned by them and situate on the Island of Alderney the like rights as against the Company as the Postmaster General has in respect of his telegraphic lines there situate and the Company shall be bound similarly to serve notices or to furnish information to and to comply with the requirements of the said Council as the Company is bound to serve furnish and comply in relation to the Postmaster General.

3. All electric lines existing in the Island of Alderney and being used by the Company on the date of registration and the generating stations and substations set out in the Schedule to this Law, whether or not the same were placed or erected with the consent of the owner and occupier of the land across or upon which the same have been placed or erected shall be deemed to have been so placed or erected with the consent of such owner and occupier.

Electric
lines,
stations, etc.

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PROVIDED ALWAYS that as respects the rights reserved by the second proviso to Article 10 of the 1936 Law

(a) owners and occupiers of land on which the generating stations or sub-stations have been placed shall have as respects those stations or sub-stations the like rights as owners and occupiers of land across which an electric line has been placed have in respect of that line ; and

(b) the period at the expiration of which the said rights may be exercised shall be in respect of such electric lines and generating stations and sub-stations as aforesaid the expiration of twelve months from the date of registration.

Substitution
of new
Article 11
(Supply of
electricity).

4. Article 11 of the 1936 Law shall be deleted and the following article substituted therefor:—

“ 11.—(1) Electricity shall be supplied for domestic purposes by a three phase four wire 50 cycle system at a declared pressure of 400 volts between phases and 230 volts between each phase and earthed neutral.

(2) The voltage shall be maintained within a permissible variation not exceeding six per centum above or below the said declared pressure.

(3) The Company shall at all times use its best endeavours to maintain the frequency of the supply within prescribed limits of one per centum above or below the declared frequency, but shall not be bound to maintain such frequency in terms of time-controlled apparatus, that is to say, against standard time.”

Proviso to
Article 12
(Apparatus
and
appliances).

5. There shall be added at the end of Article 12 of the 1936 Law the following provision, namely:—

“ All electrical apparatus and appliances intended by any person to be connected with the electric lines of the company shall before the same are connected or used be notified by such person to the Company and approved by the Company, and in

default of such notification or if any such apparatus or appliances is or are not approved by the Company the same shall not be connected with the Company's electric lines. In the event of a breach of the provisions of this Article and as often as any such breach shall occur the Company may, without prejudice and in addition to any other remedy open to the Company, cut off the supply of electricity to the premises in respect of which such breach has occurred and the Company shall not be bound to resume such supply until the apparatus or appliances in question shall have been made to conform with the reasonable requirements of the Company and payment has been made of the Company's reasonable costs and expenses incurred in cutting off and re-connecting the said supply."

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6.—(i) The operation of Article 15 of the 1936 Law shall be suspended until such date (hereinafter called "the resumption date") as the States of Alderney may by Resolution declare it to be again operative, which date shall not be less than 12 months from the date of registration.

Suspension
of operation
of Article 15,
etc.

(ii) Between the date of registration and the resumption date the Company shall charge for electricity supplied

- (a) in respect of consumers on whose premises the Company has not yet installed a meter, at the existing rate of sixpence for each point at which electricity is consumed ; and
- (b) in respect of consumers on whose premises the Company has installed a meter, then at the option of each consumer, either at a flat rate per Board of Trade unit consumed which shall not exceed eleven pence for each such unit or by making in respect of each consumer a fixed periodical charge based on that consumer's estimated requirements plus a charge for each Board of Trade unit consumed, which shall be less than the

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Company's normal charge in Alderney for the supply of such a unit.

(iii) Notwithstanding anything in Article 15 of the 1936 Law contained, the Company shall from and after the resumption date give to each consumer the option of paying for his supply of electricity in accordance with one or other of the alternative modes set out in sub-paragraph (b) of paragraph (ii) of this Article.

(iv) For the purposes of this Article and of Article 15 of the 1936 Law, the expression "meter" shall mean a meter certified by an electricity inspector of the Company approved by the States Electricity Board of Alderney to be a correct meter, and to be of some construction and pattern and to have been fixed and to have been connected with the service lines in some manner approved by the Board of Trade or Electricity Commissioners, and every such meter shall be provided, installed, connected and maintained by the Company at the Company's expense, and shall remain the property of the Company, and shall be let for hire to the consumer on such terms as may be agreed upon between the consumer and the Company.

Amendment
of Article 20.

7. In Article 20 of the 1936 Law the words "twenty eight years" shall be substituted for the words "twenty one years" wherever the last mentioned words appear therein.

Breaches by
Company.

8. (i) If the Company on receiving written notification from the States of Alderney or from His Majesty's Postmaster-General or from the States Telephonic Council of Guernsey of any breach on the Company's part of any of the provisions of Articles 2, 4 or 6 of this Law or of any of the provisions of the Agreement dated the 18th day of February, 1948, and made between the Right Honourable Wilfred Paling, His Majesty's Postmaster-General of the first part, William Loughrey Henderson Esquire, President of the States Telephone Council of the second part and the Company of the third part, shall fail or neglect

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within such time as shall be specified in the notification to remedy such breach, then, unless during the period of three months from the date of the sending of the notification it shall have been withdrawn in writing by the party who sent it, the rights conferred upon the Company by this Law and by the 1936 Law shall be forfeited three months after the date of the sending of the notification, but without prejudice to any rights accrued at such date to or against the Company, and the Company shall on that date be deemed to have agreed to sell to such person or persons or body corporate as the States of Alderney shall direct or if the States shall so direct, then to the States, all the premises, buildings and equipment then owned by the Company, and the Company shall receive in consideration for such sale such a sum as the Company and the States of Alderney shall agree as representing the fair market value of such premises, buildings and equipment, but without adding thereto any sum as compensation for loss of goodwill, and in default of such agreement, the market value shall be determined by arbitration in accordance with the procedure set out in Article 27 of the 1936 Law.

(ii) The Company shall on receipt of such a notification as aforesaid forthwith supply to the States of Alderney at the Company's expense an inventory of the Company's premises, buildings and equipment and shall not (unless the notification shall be withdrawn as hereinbefore provided) sell or part with the possession of all or any part of the Company's premises, buildings or equipment without the consent in writing of the States of Alderney.

(iii) Any notification required by the provisions of this Article to be given to the Company shall be well and sufficiently given if sent through the post by registered letter addressed to the Company at 40 Victoria Street in the Island of Alderney.

9. This Law may be cited as the Electricity Con-
cession Law 1948 and the 1936 Law and this Law shall

Citation.

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be read and construed together as one Law and may be cited together as the Electricity Concession Laws 1936 and 1948.

SCHEDULE.

The Channel Islands Granite Company's
Generating Station.

The sub-station at Crabby.

The sub-station at Essex House.

The sub-station at the Arsenal.

The sub-station behind farm buildings near
Berry's Quarry.

The generating station at Giffoine.
