

S U P P L E M E N T
TO
OFFICIAL GAZETTE
OF THE
EAST AFRICA PROTECTORATE.


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His Excellency has approved of the following Bills being introduced at the next Session of the Legislative Council.

*T. S. W. THOMAS,
Clerk to the Legislative Council.*

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A Bill

Intituled

An Ordinance to make provision for the generation, transmission, delivery, sale, purchase, and use of electrical energy;

And for the making and enforcing of regulations appertaining to and governing such purposes;

And for the provision and enforcing of Penalties for any contravention of this Ordinance or of the Regulations made under it.

1. This Ordinance may be cited as the "Electric Power Short title. Ordinance, 1917."

2. In this Ordinance the following words and expressions shall have the following meanings unless a different intention appears from the subject of context.

"Apparatus" means any or all of the appliances used or which may be used in connection with or relating to the generation, supply or use of electrical energy.

10 "Area of Supply" means the area within which the Licensee is for the time being authorized to supply electrical energy under the Licence.

15 "Authorized Distributor" means a public or local authority, company or person, licensed by a Distributing License to distribute or supply electrical energy for public or private purposes, which Licence shall also entitle him to receive a supply of electrical energy from a Bulk Supply Licensee.

"Bulk Supply" means the supply of electrical energy in bulk by a Bulk Supply Licensee to any Authorised Distributor.

20 "Bulk Supply Area" means the area within which the Bulk Supply Licensee is for the time being authorized to give a Bulk Supply of electrical energy to Authorised Distributors under a Bulk Supply Licence.

25 "Bulk Supply Licence" means a Licence authorising the public or local authority, company or person named therein, and under this Ordinance referred to as a Bulk Supply Licensee, to generate and supply electrical energy to Authorised Distributors within the area defined therein.

"Circuit" means an electrical circuit forming a system or branch of a system.

30 "Company" means a public company registered in the Protectorate under the Indian Company's Act 1882 as applied to the Protectorate or under any law substituted for such Act.

"Conductor" means an electrical conductor connected or arranged to be electrically connected to a system.

35 "Consumer" means any body of persons or any person supplied or entitled to be supplied with electrical energy by a Licensee.

40 "Consumer's Terminals" means the ends of the electric supply line situate upon any consumer's premises and belonging to him, at which the supply of electrical energy is delivered from the service line.

"Daily Penalty" means a penalty for each day on which any offence is continued after conviction therefor.

45 "Danger" means danger to the health, life or person of any one from shock, from fire, or otherwise arising from the generation, transformation, conversion, transmission, distribution, supply or use of electrical energy.

"Deposited Map" means the map of the area of supply deposited with the Governor by the Licensee together with the Licence and signed by the Governor or his deputy.

Definitions.

"Distributing Area" means the area within which the Authorised Distributor is for the time being authorized to distribute or supply electrical energy for public or private purposes under the Distributing Licence.

"Distributing Licence" means a Licence authorizing the public or local authority, company or person named therein, and under this Ordinance referred to as an Authorized Distributor, to distribute or supply electrical energy for public or private purposes, within the area defined therein. Every Distributing Licence shall authorize the Authorized Distributor named therein to receive a supply of electrical energy from a Bulk Supply Licensee.

"Distributing Main" means that portion of any electric supply line which is used for the purpose of giving origin to service lines for the purpose of supplying consumers with electrical energy.

"Earthing" means connected to the general mass of earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger.

"Electrical Energy" means energy involving the use of electricity, electric current or any like agency, which may be produced either by mechanical or chemical means.

"Electric Line" means and includes electric supply lines, telegraph, telephone or signalling lines or wires.

"Electric Supply Lines" means any wire, conductor, or other means used for the purpose of conveying, transmitting, distributing, or serving electrical energy 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, distributing, or serving, electrical energy.

"Extra High Pressure" means a pressure in a system normally exceeding 3,000 volts where the electrical energy is used or supplied.

"Factory, Workshop or Place," means any premises or site in which, or within the close or curtilage of which, any person works for hire or is employed whether for wages or not and in which electrical energy is used or applied to or for or incidental to any of the purposes of any trade or process.

"High Pressure" means a pressure in a system normally above 650 volts, but not exceeding 3,000 volts where the electrical energy is used or supplied.

A "Licence" means any document or instrument in writing granted under this Ordinance authorizing the public or local authority, company, or person, named therein to undertake the generation, supply or distribution of electrical energy in the manner described in such document or instrument as aforesaid.

"Licensee" means the public or local authority, company, or person, named in a Licence.

"Local Area" means the area of any town, village, settlement, factory, works, mine or quarry or any area adjacent thereto, as defined by a Licence.

"Local Authority" means any Board or Body nominated by the Governor or elected by suffrage, or partly nominated and partly elected, in any town, village or district and duly authorized to administer, control and undertake public services of a municipal nature, in any local area comprising the area of such town or village or district and any such adjacent area as may be defined by any Licence granted under this Ordinance.

"Local Generating Licence" means a Licence authorizing the Authorized Distributor named therein, and under this Ordinance for the purposes of that Licence referred to as a Local Generating Licensee, to generate electrical energy for the purposes of the Distributing Licence of such Authorized Distributor.

"Low Pressure" means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

"Main" means any electric supply line which may be laid down or erected by the Licensee in any street or public place or in any other place, under the provisions of this Ordinance or of the Electric Supply Line Ordinance, 1914, and through which electrical energy is supplied or is intended to be supplied by the Licensee.

"Medium Pressure" means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

"Mine or Quarry" means any works or excavations made or being made below the adjacent surface ground level whether subterranean or open, or partly subterranean and partly open, for the purpose of searching for, proving, or working minerals, and includes all the shafts, pits, levels, planes, works, machinery, tramways, and sidings both below ground and above ground, in and adjacent to and belonging to a mine or quarry.

"Ordinary Consumer" means any consumer other than an Authorized Distributor or a consumer under special agreement.

"Overhead" system, conductor or other apparatus means, an electrical system, conductor, or other apparatus, used or which 5 may be used for conveying, transmitting, distributing, supplying or using electrical energy, above ground and in the open; such system may be a whole system or may be portions of a whole system in which other methods are used or may be used for any of these purposes.

10 "Overhead" includes "aerial" and "above ground."

"Plan" means a plan drawn to a horizontal scale of at least one one-thousandth of full size and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one one-hundredth of full size, or to such other scales as 15 the Governor may prescribe for both plan and section, together with such detail plans and sections as may be required.

"Point of delivery of the supply" means the terminals at which the supply of electrical energy by the Licensee shall be made, effected, delivered, or made available to any consumer and 20 may be the consumer's terminals or such other point as may be agreed upon between the Licensee and any consumer and approved by the Governor or otherwise as may be prescribed by the Governor.

25 "Power" means electrical power or the rate per unit of time at which electrical energy is supplied.

"Pressure" means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electrostatic volt-meter.

30 "Private Purposes" means any purpose whatsoever to which electrical energy may for the time being be applied, not being a public purpose.

"Public Authority" means any Department of the Government to which may be delegated by the Governor, power to administer, control, or undertake, any public service over or 35 within any part of the Protectorate.

40 "Public Purpose" means the lighting of any street or any place belonging to or subject to the control of a public or local authority, or of any Church or Licensed place of public worship, or of any hall or building belonging to or subject to the control of a public or local authority, or any service of a public or municipal nature.

45 "Public Supply" means the supply of electrical energy by any public or local authority, company, or person authorized by a Licence granted by the Governor to give a supply of electrical energy.

"Railway" includes any tram road, that is to say, any tramway other than a tramway laid along any street.

50 "Regulations" means any regulations, rules, orders, memoranda, or conditions, made by the Governor in Council under this Ordinance for securing the safety of the public or for ensuring a proper and sufficient supply of electrical energy, or for ensuring the proper carrying out of the terms or provisions of this Ordinance.

55 "Service Line" means any electric supply line through which electrical energy is supplied or is intended to be supplied by the Licensee to any consumer either from any distributing main or directly from the premises of the Licensee, and includes any such electric supply line to its termination at the consumer's terminals.

60 "Special Agreement" means any agreement made or ratified under the provisions of this Ordinance where, by reason of any peculiarity in supply or demand, special conditions as to time of supply, price, or other matters have been agreed upon, which shall have been approved by the Governor.

65 "Street" means any street, square, court, alley, highway, lane, road, thoroughfare or public passage or place within the area in which a Licensee is authorized to supply electrical energy under this Ordinance.

70 "Sub-Station" means any premises or site, in or from which electrical energy is transformed, converted or distributed, and includes any chamber, box, or apparatus employed or to be employed for any of such purposes.

"System" means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electrical energy.

75 "Tramway" means any tramway laid along any street.

"Use" of electrical energy means the conversion of electrical energy into chemical energy, mechanical energy, heat, or light or the use or application of electrical energy to or for any of the purposes for which it may be or become or be found to be adapted.

"Works" means and includes any lands, buildings, structures, works and apparatus of whatsoever nature required or used in connection with or relating to the generation or supply of electrical energy or to carry into effect the objects of a Licensee under this Ordinance.

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Application of Ordinance.

3. (1) The provisions of this Ordinance shall apply, as herein-after specified, to every public or local authority, company or person generating, transmitting, distributing, supplying, or using electrical energy, and to all works or apparatus for any or all of these purposes, in the Protectorate.

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Prior Licensee.

Application of Ordinance to persons authorized to supply electrical energy by concessions or agreements before the enactment of this Ordinance.

(2) The provisions of this Ordinance shall apply in the following manner to any public or local authority, company or person, hereinafter referred to as a Prior Licensee, who is authorized by any license, concession or agreement granted or entered into before the enactment of this Ordinance to generate or supply electrical energy in any area:—

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Area or privileges of Prior Licensee cannot be extended.

(a) After the enactment of this Ordinance the area or the powers or privileges defined and conferred in or by such licence, concession or agreement (hereafter referred to as a Prior Licence) shall not be extended or amplified in any way while such Prior Licence has force or effect.

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Existing works of Prior Licensee subject to Rules as to safety of the public, sufficient and regular supply and meter.

(b) The Prior Licensee and all his works for the purposes of his Prior Licence existing at the date of the enactment of this Ordinance shall be subject to the provisions of this Ordinance, and any rules made by the Governor in Council, relating to the safety of the public, and for ensuring a regular and sufficient supply of electrical energy, and relating to the manner and form and auditing of the accounts of the undertaking, and relating to the testing and certifying of meters for ascertaining the value of the supply being given and relating to agreements made by the Prior Licensee.

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New works of Prior Licensee entirely subject to this Ordinance.

(c) All the works of the Prior Licensee for any of the purposes of his Prior Licence being or which may be constructed, erected, installed or executed, at the time of or after the enactment of this Ordinance shall be subject in all respects to the provisions of this Ordinance and to any Rules made by the Governor in Council.

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Prior Licensee may obtain Distributing and Bulk Supply Licences.

(d) The Prior Licensee may make application under this Ordinance for a Distributing Licence for any local area being supplied by him and for a Bulk Supply Licence for an area to include such local area and the generating station from which such local area is supplied, and the Governor may grant or refuse such application.

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Provision for extending privileges of Licensees.

(e) Where the Prior Licensee makes application for a Distributing Licence and for a Bulk Supply Licence as in the last sub-section described, in addition to the powers and privileges conferred by the provisions of this Ordinance, such Distributing Licence when granted shall subject to the provisions of this Ordinance secure to the Prior Licensee as Authorized Distributor, the sole right subject to the provisions of this Ordinance to supply electrical energy for the period named in the Prior Licence in respect of the area defined in such Distributing Licence, which area may be greater than but shall include the area defined in the Prior Licence.

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Grant of a Licence to a Prior Licensee cancels all rights under Prior Licence.

(f) Where any Prior Licensee makes application for a Bulk Supply Licence for an extended area to include the local area in which such Prior Licensee is authorized to generate and supply electrical energy, such application shall have consideration, subject to provisions herein contained, prior to any other application for a Licence to supply electrical energy in such extended area.

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(g) Upon the granting of a Licence under this Ordinance to a Prior Licensee in respect of any area named in a Prior Licence, all the duties, obligations, liabilities, powers and privileges of whatsoever nature imposed or conferred by such Prior Licence shall absolutely cease and determine, and such Licensee shall be held to be operating solely under the provisions of this Ordinance.

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(3) In any provisions of this Ordinance, or in any Rules under this Ordinance relating to any of the matters comprised in subsection (2) of this section, the term Licensee shall be held to include Prior Licensee and the term Licence shall be held to include Prior Licence.

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4. After the enactment of this Ordinance the following restrictions as to the generation, transmission and supply of electrical energy, and to the use of other energy shall have effect:
- (a) Except as provided in section 3 sub-section 2 hereof, no public or local authority, company or person, not being a Licensee under this Ordinance,
- (1) may supply electrical energy to any other authority, company or person on sale or for any other consideration, or
- (2) may erect, lay, construct or maintain any electric supply line for the supply of electrical energy to any authority, company, person, place, or apparatus situated beyond the close or curtilage of the premises in which the electrical energy is generated.
- (b) No public or local authority may use any form of energy for power or lighting purposes (excepting portable lighting purposes) other than electrical energy, without the written sanction of the Governor.
- (c) No public or local authority, not being a Licensee under this Ordinance, may generate electrical energy for its own supply or for any purpose. Provided that nothing in this section shall prevent the use of steam or internal combustion engines for locomotive purposes, or the generation of electrical energy for the lighting of vehicles on such vehicles, by such authorities.
- (d) No public or local authority, company or person not being licensed as an Authorized Distributor shall receive a supply of electrical energy from a Bulk Supply Licensee, nor shall a Bulk Supply Licensee supply electrical energy except to such a Licensee.
5. Every applicant for a Licence, or for any authority of the Governor, and every objection to the grant of any such Licence or authority, or any representation to be made to the Governor in respect to any matter under this Ordinance, shall be made in such manner and with such particulars as the Governor may from time to time direct.
6. Where two or more applicants make applications to the Governor for Licences under this Ordinance for the supply of electrical energy for the same area and one of such applicants is the public or local authority having jurisdiction for other purposes in such area or part thereof the application of such authority shall take precedence of any other application.
7. No Licence shall be granted for any area which may be within the limit of economical transmission from any existing or authorized works for the generation of electrical energy until the Licensee for such works shall have been given an opportunity for objection to the grant of such Licence, and for application for extended powers for the supply of the area in question from the existing or authorized works aforesaid; whereupon the Governor, after enquiry as hereinafter provided, may deal with such application or applications as he sees fit.
8. Nothing in this Ordinance shall prevent a Licensee applying for and subject to this Ordinance obtaining other Licences for the generation, supply, or distribution of electrical energy in any area.
9. (1) After the enactment of this Ordinance no Prior Licence or any rights or privileges granted therein may be transferred in any case and no Licence under this Ordinance or any rights or privileges granted therein may be transferred without the consent of the Governor first had and obtained and on such terms and conditions as the Governor thinks fit.
- (2) In any case where the Governor has given his consent to the transfer of a Licence the sale and purchase of the works of the Licensee shall be effected in the manner hereinafter provided.
10. (1) The Governor in Council may grant a Bulk Supply Licence to any public or local authority or combination of any such authorities or to any company or person, to generate, convey, transmit and supply electrical energy in bulk, to Authorized Distributors, within any area prescribed in such Bulk Supply Licence.
- (2) A Bulk Supply Licence may be for any period not exceeding fifty years and the Bulk Supply Licensee may within ten years of the period named in a Bulk Supply Licence for its termination, make application to the Governor for a renewal of such Bulk Supply Licence.
- (3) Within six months after the receipt of such application and after such enquiry as he thinks necessary, the Governor in Council may grant the application on such terms and conditions and for such period as he thinks fit, or may refuse the application.
- Restrictions as to use of energy.
- Licensees only may supply electrical energy,
- or construct or maintain electric supply lines.
- Public or local authorities to use only electrical energy, save with permission of Governor.
- Public or local authorities may not generate their own supply, save under Licence.
- Exemption for locomotives and vehicle and portable lighting.
- Authorized Distributor only may receive Bulk Supply.
- Applications to be made in accordance with Rules.
- Applications of public or local authority to have precedence over others.
- Provision re application for Licence for area within limits of economical transmission from existing works.
- Bulk Supply Licensee may obtain other Licences.
- Licence not to be transferred.
- Grant of Bulk Supply Licence.
- Period of Bulk Supply Licence.
- Renewal of Bulk Supply Licence.

Local Authorities may operate Bulk Supply Licences outside their districts.

Bulk Supply only to Authorized Distributors.

Matters to be considered in defining Bulk Supply area.

Provision as to agreement to take supply for certain period and as to minimum payment.

(4) A Bulk Supply Licence may, subject to the provisions of this Ordinance, be granted to a public or local authority or to a combination of any such authorities authorizing them to generate or to supply electrical energy within any area although the same or some part thereof may not be included within the jurisdiction for other purposes of any such public or any such local authority. 5

(5) A Bulk Supply Licence under this Ordinance for the supply of electrical energy shall convey and secure to the Licensee the sole right, subject to the provisions of this Ordinance, to generate transmit and supply electrical energy over, through, or within the area defined by the Bulk Supply Licence, only to Authorized Distributors. 10

(6) In prescribing a Bulk Supply area, the Governor shall have regard to the methods or proposed methods of generation or distribution and to all matters and circumstances which have arisen, or which may arise, and which have or may have relation to the economical production, supply, or continuance of an efficient service of electrical energy over and within the area so prescribed. 15

11. (1) Where any demand is made by an Authorized Distributor, or otherwise where the Bulk Supply Licensee is authorized by the Governor to give a supply of electrical energy, the Bulk Supply Licensee within a reasonable time shall lay, erect and instal, all the electric supply lines and works necessary for the supply of the electrical energy in terms of the demand or of the Governor's authority as the case may be. 20 25

(2) Where any such demand is made by an Authorized Distributor, the Bulk Supply Licensee (if he thinks fit) may, within thirty days, or such other period as the Governor may approve, after the service of the demand upon him, serve a notice on the Authorized Distributor by whom the demand is signed, stating that he declines to be bound by the demand unless the Authorized Distributor will bind himself to take, or will guarantee that there shall be taken, a supply of electrical energy for a period of seven years at the least, of such amount in the aggregate (to be specified by the Bulk Supply Licensee in the notice) as will, at the rates of charge for the time being charged by the Bulk Supply Licensee for a supply of electrical energy to other Authorized Distributors under comparable conditions, produce annually such reasonable sum as is specified by the Bulk Supply Licensee in the notice: 30 35 40

Provided that in the notice the Bulk Supply Licensee shall not without the authority of the Governor, specify any sum exceeding twenty per centum upon the expense of providing and erecting or laying down the electric supply lines and works necessary for the supply of electrical energy in terms of the demand and 45

Provided further that such expense shall not include any expenditure made for any transforming machinery or plant, electric supply lines, mains, apparatus or equipment which have been erected or installed for a period of seven years at the time of the demand being complied with, or for any transforming machinery or plant, electric supply lines, mains, apparatus or equipment which have been or may be erected or installed as renewals of any such transforming machinery or plant, electric supply lines, mains, apparatus or equipment, which have been erected or installed for a period of seven years, or for any expenditure made, or which may become necessary for any generating machinery, plant, apparatus or buildings. 50 55

(3) Where such a notice is served the demand shall not be binding on the Bulk Supply Licensee unless within thirty days or such other period as the Governor may approve after the service of the notice on the Authorized Distributor signing the demand has been effected, or in case of difference within thirty days or such other period as the Governor may approve after the delivery of the arbitrators' award or other settlement, there be tendered to the Bulk Supply Licensee an agreement executed by the Authorized Distributor, binding him to take or guaranteeing that there shall be taken a supply of electrical energy for a period of seven years at the least of such an 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 or determined by arbitration or other settlement under this section, or, where the Authorized Distributor making the demand is not a public or local authority, unless sufficient security for the payment to the Bulk Supply Licensee of all moneys which may become due to him from the Authorized Distributor under the agreement is offered to the Bulk Supply Licensee (if required by him by such notice as aforesaid) within the period prescribed for the tender of the agreement as aforesaid. 60 65 70 75

- (4) If the Bulk Supply Licensee considers that the demand is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, he may within thirty days or such other period as the Governor may approve after the service of the demand upon him, appeal to the Governor, and the Governor, after such enquiry (if any) as he thinks fit, may, by Order, either determine that the demand is unreasonable, and shall not be binding upon the Bulk Supply Licensee, or may authorize the Bulk Supply Licensee by his notice to require a supply of electrical energy to be taken for such longer period than seven years, or to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is directed by the Order, and the terms of the above-mentioned agreement shall be varied accordingly.
- (5) In case of any appeal to the Governor under this section, any notice by the Bulk Supply Licensee under this section may be served by him within thirty days or such other period as the Governor may approve after the decision of the Governor.
- (6) If any difference arises between the Bulk Supply Licensee and any Authorized Distributor signing any such demand as to any such notice or agreement, that difference shall, subject to the provisions of this section and to the decision of the Governor upon any such appeal as aforesaid, be determined by arbitration.
12. In the event of any demand being made on a Bulk Supply Licensee for electrical energy for the supply of which any works, already installed for the supply of electrical energy to any other Authorized Distributor and in respect of which such Authorized Distributor is bound by agreement as in the preceding section provided, or any part thereof shall be suitable and adequate, such works or part thereof shall be so used, and the agreement or agreements to which the Bulk Supply Licensee is entitled by the preceding section, shall be made or if made shall be modified in such manner that the obligations imposed on the Authorized Distributors by such agreements shall be truly in accordance with the meaning and intention of the preceding section and shall be *pro rata* with the value of the electric supply lines and works or such portion or portions thereof as shall be necessary for the supply of electrical energy to such Authorized Distributors respectively.
13. Except in the cases of public or local authorities, a Bulk Supply Licensee may require, and shall be entitled to receive, from an Authorized Distributor, before taking steps to comply with a demand for the supply of electrical energy, a guarantee for the due performance of any agreement entered into for the erection and installation of any electric supply lines, mains, apparatus, and equipment.
14. In any case where in the opinion of the Governor a supply of electrical energy should be obtained from a Bulk Supply Licensee, and after investigation it is considered impossible or inexpedient to provide for the necessary works as herein specified in that behalf, the Governor, with the advice and consent of the Legislative Council, may undertake in whole or in part the provision of any such works or of the funds necessary to defray the charges thereon or may guarantee such payments, upon such terms and conditions as the Governor in Council may consider necessary or expedient.
15. The Bulk Supply Licensee shall be wholly responsible for the proper maintenance, repair, and safe condition of all electric supply lines, apparatus and equipment up to the place of delivery of any bulk supply as defined under this Ordinance irrespective of the manner in which any capital sums for, or charges in respect of same, may be provided.
16. The Bulk Supply Licensee may require an Authorized Distributor who demands a supply of electrical energy, and before commencing to give such supply, to enter into an agreement to take delivery of and to pay for such supply or part thereof for a period of not less than two years, or for such longer period as the Governor may approve, or failing the Authorized Distributor's acceptance or use of such supply of electrical energy, to pay for the provision made by the Bulk Supply Licensee for such supply of electrical energy, to the following extent:—
- (a) The Authorized Distributor shall agree to pay to the Bulk Supply Licensee such minimum annual sum as shall be equivalent to the sum which would be payable for 400 hours consumption of the maximum demand of electrical energy at a price per British Board of Trade Unit not exceeding the maximum price fixed in the schedule of prices provided in the Licence of the Bulk Supply Licensee, or
- (b) In such other manner as the Governor may approve.
- Conditions as to further use of works installed subject to agreement for supply to a particular Authorized Distributor.
- Bulk Supply Licensee responsible for supply lines.
- Bulk Supply Licensees may require agreement to take supply of certain minimum for 2 years.

Penalties payable by Bulk Supply Licensee to Authorized Distributors, for failure of supply.

17. Subject to any agreement which may be entered into between a Bulk Supply Licensee and an Authorized Distributor, as provided for by section 70, and approved of in writing by the Governor, for any and every failure of a Bulk Supply Licensee to supply or to continue to supply, or for any interruption to any supply of electrical energy which is being or should be made by such Bulk Supply Licensee under any of the provisions of this Ordinance or of Rules made under this Ordinance, through or because of any defect in, or absence of, any provision or provisions made, or which should have been made, by such Bulk Supply Licensee, or over which such Bulk Supply Licensee has control, or for which the responsibility, or of which the repair, or maintenance is vested in such Bulk Supply Licensee, the Bulk Supply Licensee shall pay to the Authorized Distributor as liquidated damages a sum equal to one one-thousandth part of the annual minimum sum or fixed charge payable by the Authorized Distributor to the Bulk Supply Licensee, for every hour or part thereof of such failure, non-continuance, or interruption, of the supply as aforesaid.

The payment of such damages by the Bulk Supply Licensee shall not indemnify him against the infliction of any penalties to which he may be liable under this Ordinance or under any Rules under this Ordinance, or against the recovery from him by the Authorized Distributor of the amount of any judgment and costs obtained by any third party against the Authorized Distributor in respect of any damage or loss suffered or caused by reason of any failure, non-continuance, or interruption of the supply of electrical energy and for which Bulk Supply Licensee is responsible and liable as aforesaid.

Distributing Licence for local area.

18. (1) The Governor in Council may grant a Distributing Licence to any public or local authority, company or person, to distribute or supply electrical energy for public or private purposes within any local area, whether within or without the jurisdiction, for other purposes, of any such public or local authority.

Authorized Distributor entitled to receive Bulk Supply.

(2) The granting of a Distributing Licence shall authorize the Authorized Distributor to receive a bulk supply of electrical energy.

Distributing Licence; period not to exceed 50 years.

(3) A Distributing Licence may be for any period not exceeding fifty years, but may before or at the expiration of such period be renewed from time to time for such period and upon such terms and conditions as the Governor in Council may determine.

Purchase of works of Authorized Distributor by local authority.

19. Where any Authorized Distributor is authorized by a Distributing Licence to supply electrical energy within any area, and any local authority within whose jurisdiction for other purposes such area or any part thereof is situated desires to undertake the supply of electrical energy in such area or any part thereof, the following provisions shall apply:—

Local authority may apply for Licence.

(a) At least six months preceding the expiration of a period of fifty years from the date of the Distributing Licence, or such shorter period as is specified in that behalf in the Distributing Licence, or at least six months preceding the expiration of every subsequent period of ten years, or such shorter period as is specified in that behalf in the Distributing Licence, such local authority shall make application to the Governor for the revocation of the existing Distributing Licence as to the whole or part of the area of supply, and for the issue to them of a Distributing Licence for such area or part thereof. In addition to any notices required to be given by this Ordinance or Rules under this Ordinance, the applicant shall serve copies of such applications upon the Authorized Distributor, together with such further particulars, as the Governor may direct.

Application shall be granted in certain cases.

(b) Where the applications relate to an area which is wholly within the jurisdiction, for other purposes, of any such local authority, the applications shall be granted on such terms and conditions as the Governor thinks fit.

Application may be granted in certain cases.

(c) Where the applications relate to an area which is partly within and partly without the jurisdiction, for other purposes, of any such local authority, the Governor may grant such applications on such terms and conditions as he thinks fit.

Application entailing the division of an area of supply.

(d) Where the applications relate to an area which is partly within and partly without the jurisdiction, for other purposes, of any such local authority, and the granting of the applications of the local authority will entail the division of the area of supply of the Authorized Distributor, the Governor may with the consent of the Authorized Distributor permit such division and grant the applications of the local authority.

- Objection by Authorized Distributor to division of area of supply.
- 5 (e) If the Authorized Distributor objects to the division of the area as specified by the local authority he may make a representation to the Governor and serve a notice upon the local authority stating such objection and specifying the division (if any) which he desires, and the Governor may uphold or disallow such objection of the Authorized Distributor with such modifications or conditions as he thinks fit.
- 10 (f) If the Authorized Distributor is dissatisfied with the decision of the Governor he may make a representation to the Governor, and serve a notice upon the local authority, that he desires the revocation of his Distributing Licence as to the whole of the area of supply.
- 15 (g) If the local authority upon the receipt of either of the two last mentioned notices fails to amend their applications in terms of the Governor's decision, or so as to include the whole of the area of supply as the case may be, the Governor shall refuse the applications of the local authority and of the Authorized Distributor.
- 20 (h) Notwithstanding any provision of this section, no application entailing the division, transfer, or alteration of any area of supply or part thereof shall be granted unless it is shown to the satisfaction of the Governor that the granting of the application will not unduly prejudice the consumers in any portion of the area proposed to be divided, transferred or altered.
- 25 (i) Where the application by a local authority for a Distributing Licence is granted by the Governor under the provisions of this section, such local authority shall by notice in writing require the Authorized Distributor to sell, and thereupon the Authorized Distributor shall sell to them his works suitable to and used by him for the purposes of his Distributing Licence and situated within the area defined by the Distributing Licence granted to such local authority subject to the provisions herein contained.
- 30 (j) In any case where the supply of electrical energy is effected by an Authorized Distributor holding a Local Generating Licence, and the supply of electrical energy by a Bulk Supply Licensee to the local authority, who are applicants under this section, is under any of the provisions of this Ordinance found to be impossible, such local authority may if they so desire purchase the works under such Local Generating Licence or may make such other provision as they think fit subject to the approval of the Governor.
- 35 20. Notwithstanding anything in the last preceding section contained, the Governor may by any Distributing Licence to be granted by him under this Ordinance if he thinks fit, vary the terms upon which any local authority may require the Authorized Distributor to sell, and upon which the Authorized Distributor shall be required to sell to such local authority his undertaking or so much of the same as is within the jurisdiction, for other purposes, of such local authority under the said section, in such manner as may have been agreed upon between such local authority and the Authorized Distributor.
- 40 21. Where the Licensee is the Authorized Distributor for any distributing or local area, the following provisions shall have effect:—
- 45 (a) The Authorized Distributor shall, within a period of two years or such other period as may be stated in the Distributing Licence after the commencement of the Distributing Licence, lay down or erect suitable and sufficient distributing mains for the purpose of general supply throughout every street or part of a street specified in that behalf in the Distributing Licence, and shall thereafter maintain those mains.
- 50 (b) In addition to the mains hereinbefore specified, the Authorized Distributor shall, at any time after the expiration of eighteen months after the commencement of the Distributing Licence, lay down or erect suitable and sufficient distributing mains for the purposes of general supply throughout every other street or part of a street within the area of supply upon being required to do so in manner provided by the Distributing Licence, or by this Ordinance.
- 55 (c) All such mains as last above mentioned (unless already laid down or erected) shall be laid down or erected by the Authorized Distributor within six months after any requisition in that behalf served upon him in accordance with the provisions of the Distributing Licence or this Ordinance has become binding upon him, or within such further time as may in any case be approved by the Governor.
- 60 Authorised Distributor objecting to division of area may apply for revocation of his Licence as to whole of area.
- 65 Local authority to amend applications to meet conditions or Governor shall refuse applications.
- 70 Consumers to be in no case prejudiced.
- 75 Where local authority's application is granted, Authorized Distributor shall sell to them.
- If Authorized Distributor holds a Local Generating Licence, local authority may purchase works.
- Power to vary terms of sale contained in last section.
- Compulsory works. Electric supply lines in distributing or local areas.
- Mains, &c. to be laid down in streets specified in Licence and in remainder of area of supply.
- As to provision of mains required but not specified in Licence.

(d) Where any requisition is made in respect of any street which the Authorized Distributor is not specially authorized to break up, or in or along which he is not authorized to erect and construct works of an overhead system, he shall (unless the repairing authority consents to the breaking up thereof if necessary) forthwith apply to the Governor for his written consent authorizing and empowering the Authorized Distributor to break up that street, or to erect and construct therein works of an overhead system, as the case may be, and the requisition shall not be binding upon the Authorized Distributor if the Governor refuses his consent in that behalf.

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As to laying of electric lines under special agreement.

22. Where a public or local authority is not the Authorized Distributor, the Authorized Distributor shall, twenty-eight days or such other period as the Governor may approve before commencing to lay underground in any street any electric supply line which is intended for supplying electrical energy to any particular consumer, and not for the purposes of general supply, 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 supply line so to be laid, a notice stating that the Authorized Distributor intends to lay the electric supply line, and setting forth the effect of this section, and if within that period any two or more of those owners or occupiers require in accordance with the provisions of the Distributing Licence that a supply shall be given to their premises, the necessary distributing main shall be laid by the Authorized Distributor at the same time as the electric supply line intended for the particular consumer.

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If Licensee fails to lay down mains, &c., Licence may be revoked.

23. (1) If the Authorized Distributor, not being a public or local authority, makes default in laying down or erecting any distributing mains in accordance with the provisions of the Distributing Licence within the periods prescribed in that behalf respectively, he shall be liable for each default to a penalty not exceeding seventy-five rupees or five pounds for each day during which the default continues, and if the Governor is of opinion in any case that the default is wilful and unreasonably prolonged he may, after considering any representation of the public or local authority, deal with the Distributing Licence in manner provided by this section.

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(2) If a public or local authority is the Authorized Distributor, and makes default in laying down or erecting any distributing main in accordance with the provisions of the Distributing Licence, within the periods prescribed in that behalf respectively, the Governor may deal with the Distributing Licence in manner provided by this section.

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(3) Where the Governor is authorized under this section to deal with a Distributing Licence, he may either revoke the Distributing Licence as to the whole or any part of the area of supply, or, if the Authorized Distributor so desires, suffer it to remain in force as to that area or part thereof, subject to such conditions as he thinks fit to impose, and any conditions so imposed shall be binding on and observed by the Authorized Distributor, and shall be of the like force and effect in every respect as though they were contained in the Distributing Licence:

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Provided that the Governor shall not revoke the Distributing Licence as to part only of the area of supply where the Authorized Distributor makes a representation that he desires to be relieved of his liabilities as respects the rest of the area of supply, and in that case the Governor shall not under this section revoke the Distributing Licence otherwise than as to the whole of the area of supply.

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Manner in which requisition is to be made.

24. (1) Any requisition requiring the Authorized Distributor to erect or lay down distributing mains for the purposes of general supply throughout any street or part of a street may be made by six or more owners or occupiers of premises along that street or part of a street, or, where a public or local authority is not the Authorized Distributor and has the control and management of the public lamps in that street or part of a street, by the public or local authority.

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(2) Every such requisition shall be signed by the persons making it, or by the public or local authority (as the case may be) and shall be served upon the Authorized Distributor.

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(3) Forms of requisition shall be kept by the Authorized Distributor at his office and a copy shall, on application, be supplied free of charge to any owner or occupier of premises within the area of supply and, where necessary, to the public or local authority, and any requisition so supplied shall be deemed valid in point of form.

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25. (1) Where any such requisition is made by any such owners or occupiers as aforesaid, the Authorized Distributor (if he thinks fit) may, within fourteen days or such other period as the Governor may approve 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 to take, or will guarantee that there shall be taken, a supply of electrical energy, for a period of three years at the least, of such amount in the aggregate (to be specified by the Authorized Distributor in the notice) as will, at the rates of charge for the time being charged by the Authorized Distributor for a supply of electrical energy from distributing mains to ordinary consumers within the area of supply, produce annually such reasonable sum as is specified by the Authorized Distributor in the notice:

Provided that in the notice the Authorized Distributor shall not, without the authority of the Governor, specify any sum exceeding twenty per centum upon the expense of providing and erecting or laying down the required distributing mains and any other mains or additions to existing mains which may be necessary for the purpose of connecting those distributing mains with the nearest available source of supply.

(2) Where such a notice is served, the requisition shall not be binding on the Authorized Distributor unless within fourteen days or such other period as the Governor may approve after the service of the notice on all the persons signing the requisition has been effected, or in case of difference within fourteen days or such other period as the Governor may approve after the delivery of the arbitrator's award or other settlement, there be tendered to the Authorized Distributor an agreement severally executed by those persons or some of them, binding them to take or guaranteeing that there shall be taken a supply of electrical energy, 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 or determined by arbitration under this section, or unless sufficient security for the payment to the Authorized Distributor of all moneys which may become due to him from those persons under the agreement is offered to the Authorized Distributor (if required by him by such notice as aforesaid) within the period prescribed for the tender of the agreement as aforesaid.

(3) If the Authorized Distributor considers that the requisition is unreasonable, or that, under the circumstances of the case, the provisions of this section ought to be varied, he may within fourteen days or such other period as the Governor may approve after the service of the requisition upon him, appeal to the Governor, and the Governor, after such enquiry (if any) as he thinks fit, may, by order, either determine that the requisition is unreasonable, and shall not be binding upon the Authorized Distributor, or may authorize the Authorized Distributor by his notice to require a supply of electrical energy to be taken for such longer period than three years, and to specify such sum or percentage, whether calculated as hereinbefore provided or otherwise, as is directed by the order, and the terms of the above-mentioned agreement shall be varied accordingly.

(4) In case of any appeal to the Governor under this section, any notice by the Authorized Distributor under this section may be served by him within fourteen days or such other period as the Governor may approve after the decision of the Governor.

(5) If any difference arises between the Authorized Distributor and any persons signing any such requisition as to any such notice or agreement, that difference shall, subject to the provisions of this section and to the decision of the Governor upon any such appeal as aforesaid, be determined by arbitration.

26. Where any such requisition is made by a public or local authority, it shall not be binding on the Authorized Distributor unless at the time when the service is effected, or within fourteen days or such other period as the Governor may approve thereafter, there be tendered to the Authorized Distributor (if required by him) an agreement executed by the public or local authority, and binding such authority to take, for a period of three years at the least, a supply of electrical 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.

Provisions on requisition
by owners or occupiers.

Provision on requisition
by a public or local
authority.

Authorized Distributors
to furnish sufficient
supply of electrical
energy to owners and
occupiers within the area
of supply.

27. (1) The Authorized Distributor 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 Authorized Distributor in which he is, for the time being, required to maintain or is maintaining a supply of electrical energy for the purpose of supply under the Distributing Licence or the Government Regulations, give and continue to give a supply of electrical energy for those premises in accordance with the provisions of the Distributing Licence and of the said Regulations, and he shall furnish and lay or erect any electric supply lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier is entitled to be supplied under the Distributing Licence:

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

(2) Every owner or occupier of premises requiring a supply of electrical energy shall:—

(a) Serve a notice upon the Authorized Distributor 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 Authorized Distributor, enter into a written contract with him to continue to receive and pay for a supply of electrical energy 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 Authorized Distributor for a supply of electrical energy to ordinary consumers within the area of supply, shall not be less than twenty per centum per annum on the outlay incurred by the Authorized Distributor in providing any electric supply lines required under this section to be provided by him for the purpose of the supply, and, if required by the Authorized Distributor, shall 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 supply lines to be furnished by the Authorized Distributor, and in respect of electrical energy to be supplied by him.

(3) Provided always, that the Authorized Distributor may, after he has given a supply of electrical 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 fails to comply with the terms of the notice, the Authorized Distributor may, if he thinks fit, discontinue the supply of electrical energy for the premises so long as the failure continues.

(4) Provided also, that if the owner or occupier of any such premises as aforesaid uses any form of apparatus, lamp, or burner, or uses the electrical energy supplied to him by the Authorized Distributor for any purposes, or deals with it in any manner, so as to interfere unduly or improperly with the efficient supply of electrical energy to any other body or person by the Authorized Distributor, the Authorized Distributor may, if he thinks fit, discontinue to supply electrical energy to those premises so long as the apparatus, lamp, or burner is so used, or the electrical energy is so used or dealt with.

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

(6) If any difference arises under this section as to any improper use of electrical energy or as to any alleged defect in any electric supply lines, fittings, or apparatus, that difference shall be determined by an Electric Inspector.

28. (1) The maximum power which any consumer shall be entitled to be supplied with shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises: Maximum power.
- 5 Provided that where any consumer has required the Authorized Distributor 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 Authorized Distributor, and any expenses reasonably incurred by the Authorized
- 10 Distributor in respect of the service lines by which electrical energy is supplied to the premises of that consumer, or of any fittings or apparatus of the Authorized Distributor upon those premises, consequent upon the alteration, shall be paid by him to the Authorized Distributor, and may be recovered summarily as
- 15 a civil debt.
- (2) If any difference arises between any such owner or occupier and the Authorized Distributor as to what may be reasonably anticipated as the consumption on his premises or as to the reasonableness of any expenses under this section, that difference shall be determined by the Governor.
- 25 29. (1) Twenty-four hours' notice in writing shall be given to the Authorized Distributor by every consumer before he quits any premises supplied with electrical energy by the Authorized Distributor, and, in default of such notice, the consumer so quitting shall be liable to pay to the Authorized Distributor the money due in respect of such supply up to such time as notice of removal is given or up to the next usual period for ascertaining the register of the meter or otherwise for determining the charges due on such premises, or to the date from which any subsequent occupier of
- 30 such premises may require the Authorized Distributor to supply electrical energy to such premises, whichever shall first occur.
- (2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electrical energy.
- 35 Provided that nothing in this section shall invalidate any agreement entered into between the Authorized Distributor and any consumer as to the period for which a supply of electrical energy shall be taken by such consumer.
- 40 30. Where a public or local authority is not the Authorized Distributor, the Authorized Distributor shall, upon receiving reasonable notice from a public or local authority requiring him to supply electrical energy to any public lamps within the distance of seventy-five yards from any distributing main of the Authorized Distributor in which he is for the time being required to maintain a supply of electrical energy for the purposes of supply under
- 45 the Distributing Licence, or Government Regulations, give and continue to give a supply of electrical energy to those lamps in such quantities as the public or local authority may require to be supplied.
- 50 31. Where a public or local authority is not the Authorized Distributor, the price to be charged by the Authorized Distributor and to be paid to him for all electrical energy supplied to the public lamps, and the mode in which those charges are to be ascertained, shall be settled by agreement between the public or local authority and the Authorized Distributor, and, in case of difference, shall be determined 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 for supply to public lamps.
- 55 32. (1) Whenever the Authorized Distributor makes default in supplying electrical energy to any owner or occupier of premises to whom he may be and is required to supply electrical energy under the Distributing Licence, he shall be liable in respect of each default to a penalty not exceeding thirty rupees or two pounds for each day on which the default occurs. Penalty for failure to supply.
- 60 (2) Where a public or local authority is not the Authorized Distributor, and the Authorized Distributor makes default in supplying electrical energy to the public lamps to which he may be and is required to supply electrical energy under the Licence, the Authorized Distributor shall be liable in respect of each default to a penalty not exceeding thirty rupees or two pounds for each lamp, and for each day on which the default occurs.
- 65 Provided that where the failure of the light from any lamp is due to any defects in the lamp or fittings belonging thereto (but excluding any electric supply lines) this penalty shall not apply, and that in any such case the liability of the Authorized Distributor shall be such as may be specified in any agreement between the Authorized Distributor and the public or local authority parties to the agreement.
- 70 (3) Whenever the Authorized Distributor makes default in supplying electrical energy in accordance with the terms of the Government Regulations, he shall be liable to such penalties as are prescribed by the Regulations in that behalf.

(4) Provided that the penalties to be inflicted on the Authorized Distributor under this section shall in no case exceed in the aggregate in respect of any defaults not being wilful defaults on the part of the Authorized Distributor the sum of seven hundred and fifty rupees or fifty pounds for any one day, and provided also that in no case shall any penalty be inflicted in respect of any default if the court is of opinion that the 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.

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Local Generating Licence.

33. The Governor in Council may grant a Local Generating Licence subject to the provisions of this Ordinance to any Authorized Distributor, to generate electrical energy for the purposes of the Distributing Licence of such Authorized Distributor.

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Local Generating Licence.
As to applications for
Licence for local area
within or adjacent to a
Bulk Area.

34. (1) Where any application is made for a Local Generating Licence for any local area which is outside the area of any Bulk Supply Licence but which is in such proximity or so situated that in the opinion of the Governor the supply of electrical energy to the local area in question may appropriately be provided by the Bulk Supply Licensee, the Governor may order that for the purpose of consideration and enquiry the application shall be regarded and dealt with as if it were an application for a Local Generating Licence for a local area situated within the area of the Bulk Supply Licence.

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May refuse Licence to
generate if Bulk Supply
is cheaper.

(2) Where any application is made for a Local Generating Licence in any area or place within a Bulk Supply Area, and after consideration and enquiry it appears that the estimated cost of production of electrical energy by the applicant for a Local Generating Licence will equal or exceed the price at which electrical energy is capable of being delivered and supplied by a Bulk Supply Licensee, the Governor may order that the application for a Local Generating Licence authorizing the local generation of electrical energy be refused, and that a Distributing Licence be granted to the applicant to receive a bulk supply of electrical energy from the Bulk Supply Licensee and to use or supply the same within such area on the terms of the Distributing Licence, and the Governor may also order that the Bulk Supply Licence shall, on being required so to do, make delivery of such electrical energy in the manner and on the conditions specified by this Ordinance and the Rules made on that behalf.

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Grounds on which Local
Generating Licence may
be refused.

(3) If and where the Governor finds that the estimated price of any proposed supply of electrical energy from a Bulk Supply Licensee to any applicant for a Local Generating Licence, is higher than the probable price of a locally generated supply, but where the Governor nevertheless is of opinion that it would be to the public advantage that such applicant should take a supply from a Bulk Supply Licensee instead of generating locally, the Governor may order that the supply shall be taken from the Bulk Supply Licensee provided that the price per Board of Trade unit shall be not materially greater than the price of local generation: and Provided that, in arriving at a decision on this point, regard shall be had to all the circumstances of the case, and Provided also that the Bulk Supply Licensee shall agree to accept as the price to be paid to him for the supply, for a period to be agreed and approved by the Governor, the price he has named in his estimate or tender.

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Provision which may be
made where local
generation will alone be
possible or will be
cheaper in the first
instance.

(4) In any case where the Governor after enquiry considers that an applicant for a Local Generating Licence for any local area cannot obtain a supply of electrical energy from a Bulk Supply Licensee, or that the applicant will be able to generate electrical energy, in what shall be in the opinion of the Governor comparable circumstances or conditions, at a lower price than the lowest price at which such electrical energy, could be supplied by a Bulk Supply Licensee, the Governor may grant such Local Generating Licence with the provision that in so far as it relates to and authorizes generation of electrical energy, it shall not be for a greater period than ten years, and with such additional provisions concerning works, charges for energy, profits, sinking fund, and other matters, as may be necessary to secure the redemption or extinction of the capital account in a period to be set out in the Licence. Should the Licensee under such Local Generating Licence desire that the period of ten years should be extended he shall at least three months before its expiration make application in the prescribed method, when the Governor may make such enquiry as he thinks fit and refuse such application and direct that the supply of electrical energy shall thereafter be obtained from a Bulk Supply Licensee or he may direct that the Local Generating Licence in so far as it relates to and authorizes the

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generation of electrical energy shall be extended for a further period not exceeding three years, and thereafter such Licence may be further extended in like manner for like periods.

35. The Governor may reduce or extend or in any way alter 5 any area or areas when, on the application in due form as prescribed by the Rules made under this Ordinance of any interested party, who may be any of the public or local authorities, companies, or persons supplying electrical energy over and within such area or areas, or any such authority, company or person 10 applying for a Licence to generate or supply electrical energy over and within any area adjacent to the area or areas aforesaid, it is shown to the satisfaction of the Governor that the granting of the application will be equitable to the Licensee and consumers in each of the areas under consideration, provided only that the 15 Licensee and consumers in any area shall not be unduly prejudiced thereby.

The Governor shall be the sole judge on the questions of "equity" and "undue prejudice" involved.

36. Where the granting of such application entails the 20 acquisition, by one Licensee for the purposes of his Licence, of any portion of the area of any other Licensee, on, in, over, or within which the latter has any works erected and installed for the purposes of his Licence, the latter shall sell and the former shall purchase such works, and the value shall be determined in 25 the manner hereinafter provided.

Provided that any works of the latter Licensee which may not be situated within the area to be acquired, but which would be rendered superfluous to him by reason of such alteration of his area, shall also upon the request of the latter Licensee, be purchased by the former, who shall pay the value to be determined 30 in the manner hereinafter provided.

37. Licensees under this Ordinance may, subject to the approval of the Governor, enter into agreements to co-operate for any of the purposes of their Licences, subject to the provisions

- 35 of this Ordinance, provided that the approval of the Governor shall not be granted until the expiration of one month after public notice shall have been given, as directed by the Governor, of the intention to enter into such agreement together with the object thereof.

40. 38. (1) The Licensee shall not purchase or acquire the undertaking of, or associate himself with, any authority, company or person supplying electrical energy under any Licence, unless the Licensee is authorized by the Governor to do so.

(2) If in contravention of this section the Licensee purchases 45 or acquires any such undertaking, or associates himself with any such other authority, company or person, the Governor may, if he thinks fit, revoke the Licence upon such terms as he thinks just.

39. (1) The area of supply shall be the area named for that 50 purpose in the Licence.

(2) The Licensee shall not at any time after the commencement of the Licence supply electrical energy or (except for the purposes of that Licence) erect or lay down any works beyond the area of supply otherwise than under the authority of a Licence 55 granted by the Governor under this Ordinance.

(3) If the Licensee supplies electrical energy or erects or lays down any works in contravention of this section, the Governor may revoke the Licence on such terms as he thinks just.

40. The following provisions shall apply as to giving security 60 in cases where the Licensee is not a public or local authority:

(1) The Licensee within a period of six months after the grant of the Licence, and before exercising any of the powers conferred by that Licence on him in relation to the execution of works, shall shew to the satisfaction of the Governor that 65 he is in a position fully and efficiently to discharge the duties and obligations imposed upon him by that Licence throughout the area of supply.

(2) The Licensee shall also, within six months after the grant of the Licence, or within such extended period as may be approved by the Governor, and before exercising any of the powers conferred on him in relation to the execution of works, deposit or secure to the satisfaction of the Governor such sum as may be fixed by the Licence, or, if not so fixed, as may be required by the Governor.

(3) If the Licensee fails to shew to the satisfaction of the Governor within any such period as aforesaid that he is in such a position as above mentioned, or fails to deposit or secure such sum as aforesaid, the Governor may, after considering any representations which a public or local authority may make, revoke the Licence as to the whole or, with the consent of the Licensee, any part of the area of supply upon such terms as he thinks just.

Governor may alter areas where equitable to all parties.

Obligation to purchase works on the portion of an area transferred.

Licensees may co-operate for the purposes of their Licences.

Licensees not to purchase other undertakings.

Area of supply and prohibition of supply beyond area.

Security for execution of works.

	(4) The said sum deposited or secured by the Licensee under the provisions of this section shall be repaid or released to him in equal portions, when and so soon as it may be certified by an inspector (to be appointed by the Governor) that amounts equal to the sums so to be repaid or released have been expended by the Licensee upon works executed for the purposes of the undertaking, or that electric supply lines have been duly laid down or erected in accordance with the provisions of the Licence in every street or part of a street in which he is required by that Licence to lay down or erect electric supply lines within a limited time, or at such earlier dates and by such instalments as may be approved by the Governor.	5 10 15
	(5) Where the area of supply includes the districts or parts of the districts of two or more local authorities, the Governor may require the deposit to be made or the security to be given in respect of those districts severally, and in that case the deposit or security shall be repaid or released separately as to each district.	
Provision as to separate accounts, for each undertaking.	41. Where any public or local authority, company or person holds a Licence or Licences under this Ordinance, the accounts of each and all such undertakings shall be subject to the provisions of this Ordinance and shall be kept separate and distinct and in the manner and form prescribed by this Ordinance or by any Rules under this Ordinance.	20
Accounts to be in prescribed form.	42. (1) Every Licensee shall on or before the 30th day of June in every year fill up an annual statement of accounts of the undertaking made up to the 31st day of March then next preceding, utilizing such forms as are prescribed in Rules under this Ordinance, and such statement shall be in such form, and shall contain such particulars, and shall be published if the Governor so directs, in such manner, as may from time to time be prescribed in that behalf by the Governor. The Licensee shall if the Governor so directs, keep copies of such annual statement at his office, within the area of supply, and sell the same to any applicant at a price not exceeding one rupee a copy. In case the Licensee makes default in complying with the provisions of this section he shall be liable to a penalty not exceeding thirty rupees or two pounds for each day during which such default continues.	25 30 35
Accounts of Licensees operating at passing of this Ordinance.	(2) The provisions of the preceding sub-section as to accounts shall not apply to any Licensee who is operating under any Licence granted prior to the enactment of this Ordinance until the commencement of the first day of April then next succeeding.	40
Audit of Licensees' accounts.	43. The following provisions shall apply as to the audit of accounts where the Licensee is not a public or local authority:— (1) The annual statement of accounts of the undertaking, before being published as provided by section 42 shall, if so directed by the Governor, be examined and audited by such competent and impartial person as the Governor may appoint or approve, and the remuneration of the auditor shall be such as may be agreed or as the Governor may direct, and such remuneration, and all expenses incurred by the auditor in or about the execution of his duties, to such an amount as may be agreed, or as the Governor may approve, shall be paid by the Licensee on demand, and shall be recoverable summarily as a civil debt.	45 50 55
Application of money received by public or local authorities as Licensees.	(2) The Licensee shall give to the auditor, his clerks and assistants, access to such of the books and documents relating to the undertaking as are necessary for the purposes of the audit, and shall when required furnish to him and them all vouchers and information requisite for that purpose, and shall afford to him and them all facilities for the proper execution of his and their duty.	60
	(3) The Governor may make and vary regulations prescribing the times at and the mode in which the audit shall be made and conducted, or otherwise for the purpose of giving effect to the provisions of this section.	65
	(4) Any report made by the auditor, or such portion thereof as the Governor may direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of the said section 42.	70
	44. Where a local authority is the Licensee the following provisions shall have effect:— (1) All moneys received by the Licensee in respect of the undertaking, except (a) borrowed money, (b) money arising from the disposal of lands acquired for the purposes of the Licence, and (c) other capital money received by them in respect of the undertaking, shall be applied by them as follows: (a) In payment of the working and establishment expenses and cost of maintenance of the undertaking, including all costs, expenses, penalties and damages incurred or payable by the Licensee consequent upon any proceedings by	75 80

- or against the Licensee, their officers or servants, in relation to the undertaking;
- (b) In payment of the interest or dividend on any mortgages, stock, or other securities granted and issued by the Licensee in respect of money borrowed for the purposes of the Licence.
- (c) In providing any instalments or sinking fund required by the Licence to be provided in respect of capital moneys borrowed for the purposes of the Licence.
- (d) In payment of all their other expenses of executing the Licence, not being expenses properly chargeable to capital;
- (e) In providing a reserve fund, by setting aside such money as they think reasonable or as may be stated in the Licence, and investing the money and the resulting income thereof in British or Colonial Government securities, or in any other securities in which trustees are by law for the time being authorized to invest other than stock or securities of the Licensee and accumulating it at compound interest until the fund so formed amounts in the case of a Bulk Supply Licence to one-third, and in the case of a Distributing Licence to one tenth, of the aggregate capital expenditure on the undertaking.
- (f) The reserve fund shall be applicable to answer any deficiency at any time happening in the income of the Licensee from the undertaking, but so that if that fund is at any time reduced it shall thereafter be again restored to the prescribed limit, and so on as often as the reduction happens.
- (g) The reserve fund, in the case of a Bulk Supply Licence, may be used and employed subject to the provisions of sub-section (9) of section 45.
- (h) The Licensee shall apply the net surplus remaining in any year and the annual proceeds of the reserve fund when amounting to the prescribed limit to the reduction of the capital moneys borrowed for the purposes of the Licence.
- Provided always that if the surplus in any year exceed two and a half per centum per annum upon the aggregate capital expenditure on the undertaking, the Licensee shall make such a rateable reduction in the charge for the supply of electrical energy as in their judgment will reduce the surplus to that maximum rate of profit.
- (2) All moneys arising from the disposal of lands acquired by the Licensee for the purposes of the Licence, and all other capital moneys received by them in respect of the undertaking, shall be applied by them in the reduction of the capital moneys borrowed by them for the purposes of the Licence.
45. Where the Bulk Supply Licensee is not a public or local authority the following provisions as to interest and dividends on moneys received on capital account, and as to the formation of depreciation fund, reserve fund and bonus fund accounts, shall have effect:—
- (1) During the initial period of construction and during other periods of construction of extensions of generating or transmitting works, interest on the amount of the paid up capital, as may be separately and from time to time as it becomes due approved by the Governor, or as provided for in the Licence, may be paid out of such capital.
- (2) Any interest so allowed to be paid out of capital may in the case of debenture shares, mortgages, or bonds be at the rate stated therein to be paid in that respect, and in the case of preference or ordinary shares shall not exceed three per centum per annum and shall not be paid for more than four years:
- Provided that in the case of preference and ordinary shares where interest has been so paid out of capital for such period of four years (or for such lesser period, subsequent to which such interest could have been or had been paid out of net revenue) no interest shall be again paid out of capital, except under special circumstances and after enquiry by, and by the authority of, the Governor in Council.
- (3) When and after the supply of electrical energy from or through any part of a Licensee's works or undertaking is begun, there shall appear in the accounts of the undertaking from year to year an allowance for depreciation of such works or any part thereof, which shall be of such amount as is usual for works of the same nature and class, or as may be stated in the Licence.
- (4) The amounts of the depreciation so determined from year to year shall be a charge against the gross revenue of the undertaking and shall be shewn to the credit of a depreciation fund account.
- Interest and Dividends.
which may be paid during
construction out of
Capital.
- Limitations as to above
payments.
- Provision for a depreciation account.

Formation of Reserve Fund.	(5) Any amounts so credited to the depreciation fund account shall be paid to and set aside for the purposes of that account, and only such net balance as may be afterwards remaining, may be paid to the credit of the net revenue account as profit, to be available for further distribution.	5.
Limit of Reserve Fund.	(6) When any net revenue or profit is made or results from the operations of the undertaking, such part thereof as the Licensee thinks expedient, being not less than twenty per cent., shall be paid to the credit of a reserve fund account.	10
Reserve Fund, investment of, use of, to meet extraordinary claims or demands.	(7) The reserve fund so formed and any income resulting from its investment or from its employment or use, as herein-after provided for, shall be allowed to accumulate at compound interest until the fund so formed amounts to one-third of the aggregate capital of the undertaking, subject to the provisions of this section.	15.
Reserve Fund, provision for its use to promote other Licences in same bulk area.	(8) Subject to the provisions of sub-sections (4) and (5) of this section, the reserve fund may be invested in such manner as the Licensee thinks fit and shall be applicable to meet any extraordinary claim arising against or demand made on the Licensee at any time in respect of the undertaking. If the reserve fund be at any time reduced by any such claim or demand, it shall thereafter be restored in the manner and to the limit described in sub-sections (1) and (2) of this section.	20
Reserve Fund used as above to be secured, and only if without risk to bulk supply system.	(9) Subject to the provisions and purposes of this Ordinance the Bulk Supply Licensee may employ or use such portion of the reserve fund, as he may think expedient for the promotion or development of the purposes of any Licences for the generation or supply of electrical energy within the Protectorate.	25
Profits to be divided when over 15 per cent. and Reserve Fund is at its limit.	Provided that in the opinion of the Governor such employment or use of any portion of the reserve fund will not endanger or make doubtful the ability or means of the Licensee to maintain a sufficient and regular supply of electrical energy to any consumer on the Bulk Supply system.	30
	(10) When payment shall have been made, or provided for, of all expenses in respect of the undertaking, (not being disbursements properly chargeable to capital) and to the reserve fund (except when it has reached the prescribed limit) the balance of net revenue or profit shall be available for distribution as the Licensee thinks fit. Provided that when the sum available for distribution as last aforesaid shall exceed fifteen per centum per annum on the ordinary share capital, the surplus over such amount shall be divided and applied one-half as an increase on dividends or as a bonus to shareholders or otherwise as the Licensee thinks fit, and one-half to the credit of a bonus account, to be dealt with as prescribed in the succeeding sub-section.	35
	(11) When the statement of accounts of the undertaking shews the amount standing or due to the credit of the bonus account to be or to exceed two and a half per centum of the amount paid or recoverable in respect of the units sold during the preceding year, such amount shall be divided, as far as is practical, into sums proportionate to the units of the supply taken by each consumer during, or for any portion of, the preceding twelve months.	40
	(12) Such proportionate sums shall be allocated and credited, as bonuses, to the accounts of such consumers, within three calendar months after the date to which the statement of accounts of the undertaking was last made up by the Licensee, and the Licensee shall give notice by public advertisement that such allocation has been made and effected; Provided however that no consumer shall be entitled to, or to participate in, any bonus so payable to consumers who is not entitled to a supply of electrical energy from the Licensee at the date of the publication of the notice last aforesaid and provided also that the value of such bonus shall be taken by consumers entitled thereto, forthwith and within a period of six months in the form of a supply of electrical energy.	45
	(13) When such bonuses have been so allocated and credited to the accounts of consumers entitled thereto, the actual amount represented by such allocations and credits shall be withdrawn by the Licensee from the bonus account and applied as the Licensee thinks fit.	50
Action upon default by Licensee.	(14) Any balance then remaining to the credit of the bonus account shall be carried forward for the purpose of any further allocations and credits in respect of bonuses to consumers as may thereafter become due and so on as often as any such balance in like manner remains.	55
	(15) If the Licensee makes default in complying with the provisions of sub-sections 10 to 14 inclusive of this section the Governor may after such enquiry as he thinks fit, alter the price	60

to be paid by consumers to the Licensee for the supply of electrical energy, and the price so altered or substituted shall have effect on or after such day as may be mentioned in the Governor's order as if it had been stated in the Licence; notwithstanding anything to the contrary herein contained as to the time or period for the revision or alteration of price.

5 (16) If the Licensee makes default in complying with any of the provisions of this section he shall be liable to a penalty not exceeding one hundred and fifty rupees or ten pounds for each default, and to a daily penalty not exceeding seventy-five rupees or five pounds for each default, or, having regard to the circumstances, the Governor may deal with the Licence as he thinks fit.

10 46. Where a local authority is the Licensee the following provisions shall have effect:—

15 Subject to the provisions of the Licence and this Ordinance the Licensee may acquire by purchase or on lease, and may use, any lands for the purposes of the Licence, or may also for those purposes use any other lands for the time being vested in or leased by him, but subject as to the last-mentioned lands to the approval of the Governor, and may dispose of any lands acquired by him under the provisions of this section which may not for the time being be required for the purposes of the Licence: Provided that the amount of land so used by him shall not at any one time exceed in the whole five acres except with the consent of the Governor.

20 47. (1) The Governor may by Order authorize any Licensee who is authorized to supply electrical energy in any area to acquire compulsorily, or to use, for the purpose of a generating station any land specified in the Order, whether situated within or without such area, and in the case of a local authority whether situated within or without their district.

25 (2) Provided that Rules made by the Governor for the purposes of this section shall require that proper notice be given of an application for a Licence by which it is proposed to authorize the compulsory acquisition or use of land for the purpose of a generating station, to owners, lessees and occupiers of land, and also that public notice be given of the proposal by advertisement.

30 48. It shall not be lawful after the enactment of this Ordinance, for any Licensee, except with the consent of the Governor, to construct any generating station on any land, whether acquired by him compulsorily or by agreement, until notice has been given by advertisement or otherwise as the Governor may direct to owners and lessees of land situate within three hundred yards of the land upon which the generating station is proposed to be constructed and until an opportunity has been given to such owners and lessees of stating any objections they may have thereto. This section shall not apply to any station for transforming, converting, or distributing electrical energy by static devices.

45 49. Subject to the provisions of the Licence and this Ordinance the Licensee may supply electrical energy within the area of supply for the purposes as defined by this Ordinance and the Licence, provided as follows:—

50 (a) The electrical energy shall be supplied only by means of some system approved in writing by the Governor, and subject to the Government Regulations; and

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

60 (c) The Licensee 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 the Government Regulations, unless the connection is for the time being approved by the Governor.

65 50. (1) After the enactment of this Ordinance it shall not be lawful for any public or local authority in any case, or for any company or person authorized by any Licence, concession or agreement, to generate or supply electrical energy within any area, to commence or execute or cause or permit to be commenced or executed any works for the generation, transmission, distribution or supply of electrical energy without the approval of the Governor, and any such works commenced or in course of execution at the date of the enactment of this Ordinance shall be completed to the satisfaction of the Governor.

Penalties.

Purchase and use of lands by local authority.

Authority for compulsory acquisition of land for generating station.

Public notice re construction of generating station.

System and mode of supply.

All works to be approved by the Governor.

Power to execute works approved by Governor.	(2) Any such public or local authority, company or person shall serve upon the Governor such particulars, specifications, plans or drawings relating to any such works as the Governor by Rule directs and the Governor may approve or disapprove such particulars, specifications, plans or drawings, or may approve 5 such particulars, specifications, plans or drawings subject to such amendments or conditions as he thinks fit.	
Penalty on default by company or person.	(3) Such public or local authority, company or person shall not be entitled to commence or execute any such works, except so far as they may be of a description and in accordance with the particulars, specifications, plans, or drawings which have been approved by the Governor as above-mentioned but where any such particulars, specifications, plans or drawings are so approved such public or local authority, company or person may cause those works to be executed in accordance with the particulars, specifications, plans or drawings subject in all respects to the provisions of this Ordinance.	10
Governor may authorize poles, mains, etc., on roads, railways, etc.	(4) If any such company or person makes default in complying with the requirements or restrictions of this section, they or he shall be liable for every default to a penalty of fifteen hundred rupees of one hundred pounds and to a daily penalty of fifteen hundred rupees or one hundred pounds while such default continues and whether any such penalty has been inflicted or not the Governor may revoke the Licence, concession or agreement or deal with it as he thinks fit.	15
Governor may authorize Licensees to erect and maintain telephone or signalling lines for operation of supply system.	51. For the purpose of the conveyance, transmission, or supply of electrical energy, the Governor may authorize any Licensee to erect, fix, instal or lay any poles, wires, mains, pipes, or other apparatus, in, upon, under, over, or across any public streets, roads, railways, tramways, rivers, canals, or harbours, or Government property in such manner and on such conditions as herein provided or as he may approve; Provided that where it is intended or necessary for such purpose to break, or open up, or to interfere with the traffic, business, or purpose of, any street, road, railway, tramway, river, canal, harbour or Government property, such authority shall be subject to the consent of the owner, lessee, operator, repairing or maintaining authority thereof, with such reasonable conditions as he or they shall impose, and such consent shall not be unreasonably withheld.	20
Notice to P.M.G.	52. (1) The Governor may authorize a Licensee to establish, use, and maintain, in, over, or through any area a system or means for the transmission by an electrical method of messages or signals. Provided that such messages or signals shall have reference only to the operations of the Licensee for the purpose of his Licence, and that all works or things necessary or to be used for the establishment and maintenance of such system or means for communication shall be performed specifically as provided for by the Governor in granting such authority.	25
As to applications.	(2) No such authority for the establishment or use of any system or means for the transmission by an electrical method of messages or signals shall be granted by the Governor until proof has been furnished by the applicants for such authority that the Postmaster General has had at least 30 days' notice with such particulars as the Governor may approve of their intention to make such application.	30
Penalty for abuse of powers.	(3) Application for such authority and objection thereto shall be made in such manner as the Governor may by Rule direct.	35
Powers for the execution of works.	(4) Where any authority has been so granted any persons or person who shall make or permit to be made any contravention of the first provision of this section shall be liable on conviction to a penalty not exceeding seven hundred and fifty rupees or fifty pounds.	40
Overhead lines. Streets, railways, tramways, rivers, canals, and harbours on which Licensee is authorized by Licence to construct works.	53. Subject to the provisions of this Ordinance and the Licence the Licensee may exercise all or any of the powers conferred on him by this Ordinance and the Licence, and may erect and construct overhead electric supply lines, and do all necessary works for such purpose in and over such streets and places in respect of which he is duly authorized, and which may, for the time being, be included in the area of supply and be upon land dedicated to public use.	45
	54. (1) Subject to the provisions of this Ordinance and the Licence the Licensee may exercise all or any of the powers conferred on him by this Ordinance and the Licence and may break up and construct works, in, over, under, or upon such streets and such railways, tramways, rivers, canals and harbours (if any) as he is specially authorized to break up or construct works in, over, under, or upon, by the Licence, so far as those streets, railways, tramways, rivers, canals and harbours may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway at its level.	55
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- (2) Nothing in the Licence shall authorize or empower the Licensee to break up or interfere with any street or part of a street or construct works in, over, under or upon any railway, tramway, river, canal or harbour except such streets, railways, tramways, rivers, canals or harbours (if any) or such parts thereof, as he is specially authorized to break up or to construct works in, over, under or upon by the Licence, without the consent of the authority, body, or person by whom that street is repairable, or of the authority, body, or person vested with the control of such railway, tramway, river, canal or harbour, or of the Governor, and where the Governor gives that consent, the provision of the Licence shall apply to the street, railway, river, tramway, canal or harbour to which the consent relates as if the Licensee had been specially authorized in that behalf by that Licence.
- 5 55. (1) Subject to the provision of this Ordinance and the Licence, the Licensee may construct or erect in any street such chambers, boxes, and apparatus as may be necessary for purposes in connection with the supply of electrical energy, including means for the proper ventilation of such chambers, boxes and apparatus: Provided that, where a public or local authority is not the Licensee, such chambers, boxes and apparatus shall be of a design, and placed or situated, as approved by the public or local authority concerned, or, at his discretion, by the Governor.
- 10 (2) Every such chamber, box and apparatus shall be for the exclusive use of the Licensee and under his sole control, except so far as the Governor may otherwise order, and shall be used by the Licensee for the purposes of the Licence, in accordance with the provisions of this Ordinance and of any Rules made under this Ordinance.
- 15 (3) Every such chamber, box and apparatus, including the upper surface or covering thereof, if constructed below ground level, shall be constructed of such materials, and shall be constructed and maintained by the Licensee in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise.
- 20 (4) Where a public or local authority is not the Licensee, it may, with the approval of the Governor, prescribe the hours during which the Licensee is to have access to any underground chambers, boxes, and apparatus and if the Licensee during any hours not so prescribed removes or displaces or keeps removed or displaced the upper surface or covering of any box without the consent of the public or local authority, he shall be liable for each offence to a penalty not exceeding seventy-five rupees or five pounds and to a daily penalty not exceeding seventy-five rupees or five pounds. Provided that the Licensee shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency, and that the Licensee complied with the requirements of this section so far as was reasonable under the circumstances.
- 25 56. (1) Where the exercise of any of the powers of the Licensee in relation to the execution of any works, will involve the placing of any works, for the purpose of the conveyance, transmission, distribution or supply of electrical energy by an overhead system, (having received the express consent of the Governor as hereinafter provided) in, along or across any street, the following provisions shall have effect:—
- 30 (a) One month or such other period as the Governor may approve before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the Licensee shall serve a notice upon the public or local authority liable for the repair of such street (in this section referred to as the repairing authority) together with
- 35 (1) a description of the proposed works,
- 40 (2) a map of the locality or district shewing the proposed routes and locations of all electric supply lines and substations.
- 45 (3) a drawing shewing the plan and elevation of all substations,
- 50 70 and shall upon being required to do so by such repairing authority give such further information in relation to the matters specified as may be desired.
- 55 (b) The repairing authority may approve any such works, description, routes, locations, map and drawing, subject to such amendments and conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the Licensee.
- 60 (c) Where the repairing authority approves any such works, description, routes, locations, map and drawings, subject to any amendments or conditions with which the Licensee is dissatisfied, or where it disapproves any such works, description,
- Authority for above works to be obtained if not authorized in Licence.
- Street boxes.
- Overhead works.
Notices to be given by Licensee.

routes, locations, map or drawing, the Licensee may appeal to the Governor, and the Governor may enquire into the matter, and allow or disallow the appeal, and may approve any such works, description, routes, locations, map or drawing subject to such amendments or conditions as seem fit, or may disapprove them. 5

(d) If the repairing authority fails to give any such notice of approval or disapproval to the Licensee within one month, or such other period as the Governor may approve, after the service of the notice by the Licensee, such repairing authority 10 shall be deemed to have approved the works, description, routes, locations, map and drawing.

(e) Notwithstanding anything in the Licence or this Ordinance the Licensee shall not be entitled to execute any such works as above specified except so far as they may be of 15 a description and in accordance with the provisions of this Ordinance and with the description, routes, locations, maps and drawing which have been approved, or are deemed to have been approved by the repairing authority or the Governor as above-mentioned; but where any such works, description, 20 routes, locations, map and drawing are so approved, the Licensee may cause these works to be executed in accordance with the description, routes, locations, map and drawing, subject in all respects to the provisions of the Licence and this Ordinance. 25

(f) Provided that where the Licensee is authorized to erect and instal any overhead system he shall perform the work of excavation and construction and the necessary reinstatement in any street or place and all other work in connection therewith in a neat and workmanlike manner, in accordance with specification, and to the reasonable satisfaction of the repairing authority. 30

(g) If the Licensee makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the Licence or this Ordinance) make full compensation to the repairing authority for any loss or damage which such authority may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees or ten 40 pounds and to a daily penalty not exceeding seventy-five rupees or five pounds: Provided that the Licensee shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency, and that the Licensee complied with the requirements of this section so far 45 as was reasonable under the circumstances. 35

(2) In the application of this section within any area where the Licensee is a public or local authority, responsible for the public or municipal works of the province, district, or township, the reference to the repairing authority shall not apply. 50

(3) Nothing in the section shall exempt the Licensee from any penalty or obligation to which he may be liable under the Licence or otherwise by law in the event of any telegraph, telephone or signalling line of the Postmaster General or of the authority responsible for the management of any railway being at any time injuriously affected by the Licensee's works or his supply of electrical energy. 55

57. (1) Where the exercise of any of the powers of the Licensee in relation to the execution of any works involves the placing of any works other than the works of an overhead system in, under, along or across any street, or public bridge, the following provisions shall have effect:—

(a) One month, or such other period as the Governor may approve, before commencing the execution of the works (not being repairs, renewals or amendments of existing works of which the character and position are not altered), the Licensee shall serve a notice upon the public or local authority concerned (in this section referred to as the repairing authority) describing the proposed works, together with a plan and specification of the works shewing the mode and position in which the works are intended to be executed, and the manner in which it is intended that the 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 repairing authority, give such further information in relation thereto as desired. 65 70

(b) The repairing authority may in its discretion, approve any such works, plan, or specification, subject to such amendments or conditions as may seem fit, or may disapprove them, and may give notice of that approval or disapproval to the Licensee. 75

**Notice of works, with
plan, to be served on
public or local authority.**

- (c) Where the repairing authority approves any such works plan, or specification, subject to any amendments or conditions with which the Licensee is dissatisfied, or disapproves any such works, plan, or specification, the Licensee may appeal to the Governor, and the Governor may enquire into the matter, and allow or disallow the appeal, and may approve any such works, plan, or specification, subject to such amendments or conditions as seem fit, or may disapprove them.
- (d) If the repairing authority fails to give any such notice of approval or disapproval, to the Licensee within one month or such other period as the Governor may approve after the service of the notice by the Licensee, the repairing authority shall be deemed to have approved the works, plan, and specification.
- (e) Notwithstanding anything in the Licence or this Ordinance, the Licensee shall not be entitled to execute any such works as above specified, except so far as they may be of a description and in accordance with a plan and specification which has been approved, or is to be deemed to have been approved, by the repairing authority or by the Governor, as above-mentioned; but where any such works, description, plan and specification are so approved, or to be deemed to be approved, the Licensee may cause those works to be executed in accordance with the description, plan, and specification, subject in all respects to the provisions of the Licence and this Ordinance.
- (f) If the Licensee makes default in complying with any of the requirements or restrictions of this section, he shall (in addition to any other compensation which he may be liable to make under the provisions of the Licence or this Ordinance) make full compensation to the repairing authority for any loss or damage which such authority may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees or ten pounds and to a daily penalty not exceeding seventy-five rupees or five pounds: Provided that the Licensee shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency, and that the Licensee complied with the requirements of this section so far as was reasonable under the circumstances.
- (2) In the application of this section within any area where the Licensee is a public or local authority, responsible for the public or municipal works of the province, district or township the reference to the repairing authority and to sewers, drains or tunnels in or under streets or bridges shall not apply.
- (3) Nothing in the section shall exempt the Licensee from any penalty or obligation to which he may be liable under the Licence or otherwise by law in the event of any telegraph, telephone or signalling line of the Postmaster General or of the authority responsible for the management of any railway being at any time injuriously affected by the Licensee's works or his supply of electrical energy.
58. Where the exercise of the powers of the Licensee in relation to the execution of any works will involve the placing of any works in, over, under, or upon any railway, tramway, river, canal, or harbour, the following provisions shall have effect unless otherwise agreed between the parties interested:—
- (a) One month or such other period as the Governor may approve before commencing the execution of the works (not being repairs, renewals, or amendments of existing works of which the character and position are not altered) the Licensee shall in addition to any other notices which he may be required to give under the Licence or this Ordinance serve a notice upon the authority, body or person for the time being vested with the control of the railway, tramway, river, canal, or harbour (as the case may be) in this section referred to as the "owner," describing the proposed works, together with a plan and specification of the works shewing the mode and position in which the works are intended to be executed and placed, and shall upon being required to do so by any such owner, give him such further information in relation thereto as he desires.
- (b) Every such notice shall contain a reference to this section, and direct the attention of the owner to whom it is given to the provisions thereof.
- (c) Within three weeks or such other period as the Governor may approve after the service of any such notice, plan and specification upon any owner, that owner may, if he thinks fit, serve a requisition upon the Licensee requiring that any question in relation to the works, or to compensation in respect thereof, and any other question arising upon the notice, plan, or specification shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly.

As to street not repairable by a public or local authority, railways, tramways, and canals.

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

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(e) Where no such requisition as in this section mentioned is served upon the Licensee, or where after any such requisition has been served upon him any question required to be settled by arbitration has been so settled, the Licensee may, upon paying or securing any compensation which he may be required to pay or secure, cause to be executed the works described in such notice, plan, and specification as aforesaid, and may repair, renew, and amend them (provided that their character and position are not altered), but subject in all respects to the provisions of the Licence and this Ordinance, and only in accordance with the notice, plan, and specification so served by him as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as hereinbefore mentioned, or as may be agreed upon between the parties.

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(f) All works to be executed by the Licensee under this section shall be carried out to the reasonable satisfaction of the owner, and that owner shall have the right for himself and his agents to be present during the execution of the works.

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(g) Where the repair, renewal, or amendment of any existing works, or which the character and position are not altered, will involve any interference with any railway, tramway, river, canal, or harbour, in, over, under or upon which those works have been placed, the Licensee shall, unless it is otherwise agreed between the parties, or except in case of emergency, give to the owner not less than twenty-four hours' notice before commencing to effect the repair, renewal, or amendment, and the owner shall be entitled by himself and his agents to superintend the works, and the Licensee shall conform to such reasonable requirements as may be made by the owner or that officer. The notice shall be in addition to any other notices which the Licensee may be required to give under the Licence or this Ordinance.

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(h) If the Licensee makes default in complying with any of the requirements or restrictions of this section he shall (in addition to any other compensation which he may be liable to make under the provisions of the Licence or this Ordinance) make full compensation to the owner affected thereby for any loss or damage which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees or ten pounds and to a daily penalty not exceeding seventy-five rupees or five pounds; Provided that the Licensee shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency, and that the Licensee complied with the requirements of this section so far as was reasonable under the circumstances.

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59. (1) Excepting the works and excavations necessary for the installation and erection of an overhead system in any street or part of a street, any authority, body or person for the time being liable to repair any street or part of a street which the Licensee is empowered to break up, or the authority, body or person vested with the control of any railway, tramway, river, canal, or harbour, or works connected therewith, which the Licensee is empowered to break up or to construct works in, over, under, or upon for the purposes of the Licence, may, if he thinks fit, serve a notice upon the Licensee stating that he desires to exercise or discharge all or any part of any of the powers or duties of the Licensee as therein specified in relation to the breaking up, filling in, reinstating or making good any streets, bridges, sewers, drains, tunnels or other works vested in or under the control or management of that authority, body or person, and may amend or revoke any such notice by another notice similarly served.

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(2) Where any such authority, body or person (in this section referred to as the "giver of the notice") has given notice that he desires to exercise or discharge any of such specified powers and duties of the Licensee, then so long as that notice remains in force the following provisions shall have effect, unless it is otherwise agreed between the parties interested:—

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(a) The Licensee shall not be entitled to proceed himself to exercise or discharge any such specified powers or duties as aforesaid, except where he has required the giver of the notice to exercise or discharge those powers or duties, and the giver of the notice has refused or neglected to comply with that requisition, as hereinafter provided, or except in case of emergency.

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

- (b) In addition to any other notices which he is required to give under the provisions of the Licence or this Ordinance, the Licensee shall, not more than four days and not less than two days before the exercise or discharge of any such powers or duties specified as aforesaid is required to be commenced, serve a requisition upon the giver of the notice stating the time when that 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.
- 10 (c) Upon receipt of any such requisition as last aforesaid, the giver of the notice may proceed to exercise or discharge any such powers or duties as required by the Licensee, subject to the like restrictions and conditions, so far as they are applicable, as the Licensee would himself be subject to in that exercise or discharge.
- 15 (d) If the giver of the notices declines, 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, neglects to comply with the requisition, the Licensee may himself proceed to exercise or discharge the powers or duties therein specified in like manner as he might have done if such notice as aforesaid had not been given to him by the giver of the notice.
- 20 (e) In any case of emergency the Licensee may himself proceed at once to 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 giver of the notice; but in that case the Licensee shall, within twelve hours after he begins to exercise or discharge such powers or duties as aforesaid, give information thereof in writing to the giver of the notice.
- 25 (f) If the Licensee exercises or discharges any such specified powers or duties as aforesaid otherwise than in accordance with the provisions of this section, he shall be liable for each offence to a penalty not exceeding one hundred and fifty rupees or ten pounds and to a daily penalty not exceeding seventy-five rupees or five pounds: Provided that the Licensee shall not be subject to any such penalties as aforesaid if the Court is of opinion that the case was one of emergency, and that the Licensee complied with the requirements of this section as far as was reasonable under the circumstances.
- 30 (g) All expenses properly incurred by the giver of the notice in complying with any requisition of the Licensee under this section shall be repaid to him by the Licensee, and may be recovered summarily.
- 35 (h) The giver of the notice may, if he thinks fit, require the Licensee, where a public or local authority is not the Licensee, to give him reasonable security for the payment to him of any expenses incurred or to be incurred by him under this section. If the Licensee fails to give any such security after being required to do so, he shall not be entitled to have the work required by him undertaken nor to serve any further requisition upon the giver of the notice requiring him to exercise or discharge any powers or duties under this section until the security has been duly given, or in the event of dispute as to the amount of security to be given, until the dispute has been referred and decided as hereinafter provided.
- 40 (i) Provided that nothing in this section shall in any way affect the rights of the Licensee to exercise or discharge any powers or duties conferred or imposed upon him by the Licence or this Ordinance in relation to the execution of any works beyond the actual breaking up, filling in, reinstating and making good any such street or part of a street, or any such bridge, sewer, drain, tunnel, railway, tramway, river, canal, harbour, or other work as in this section mentioned.
- 45 (j) The Licensee may alter the position of any pipes (except, in a case where a public or local authority is not the Licensee, any pipe forming part of any drain or sewer of any such authority), or any wires being in, over, under, or upon any street or place authorized to be broken up by him, or in which he is authorized to construct works which may interfere with the exercise of his powers under this Ordinance or the Licence; and any body or person may in like manner alter the position of any electric supply lines or works of the Licensee, being in, over, under, or upon any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street or place, subject to the following provisions, unless it is otherwise agreed between the parties interested:—
- As to alteration of pipes,
wires, &c., under or over
streets.

(a) One month or such other period as the Governor may approve before commencing any such alterations, the Licensee or the body or person (as the case may be), in this section referred to as the "operator," shall serve a notice upon the body or person for the time being entitled to or in charge of the pipes, wires, electric supply lines, or works (as the case may be), in this section referred to as the "owner," describing the proposed alterations, together with a plan and specification shewing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owner, give him any such further information in relation thereto as he may desire. 10 5

(b) Within three weeks or such other period as the Governor may approve after the service of any such notice, plan and specification upon any owner, that owner may, if he thinks fit, serve a requisition upon the operator requiring that any question in relation to the works or to compensation in respect thereof, or any other question arising upon such notice, plan or specification as aforesaid shall be settled by arbitration; and thereupon that question, unless settled by agreement shall be 20 determined by arbitration accordingly. 15

(c) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owner may be under in respect of the pipes, wires, electric supply lines or works, and may, if he thinks fit, require the operator 25 to execute any temporary or other works, so as to avoid interference with any purpose for which the pipes, wires, electric supply lines, or works are used, so far as possible.

(d) Where no such requisition as in this section mentioned is served upon the operator, the owner shall be held to have 30 agreed to the notice, plan, and specification served on him as aforesaid, and in that case, or where, after any such requisition has been served upon him, any question required to be settled by arbitration has been so settled, the operator, upon paying or securing any compensation which he may be required to pay 35 or secure, may cause the alterations specified in such notice, plan, and specification as aforesaid to be made, but subject in all respects to the provisions of this Ordinance and the Licence, and only in accordance with the notice, plan, and specification so served by him as aforesaid, or such modifications thereof 40 respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties. 45

(e) At any time before any operator is entitled to commence any such alterations as aforesaid, the owner may serve 45 a statement upon the operator stating that he desires to execute the alterations himself, and where any such statement has been served upon the operator, he shall not be entitled to proceed himself to execute the alterations, except where he has notified to the owner that he requires him to execute the alterations, and the owner has refused or neglected to comply with the notification as hereinafter provided. 50

(f) Where any such statement as last aforesaid has been served upon the operator, he shall, not more than forty-eight hours and not less than twenty-four hours before the execution 55 of the alterations is required to be commenced, serve a notification upon the owner stating the time when the alterations are required to be commenced, and the manner in which the alterations are required to be made.

(g) Upon receipt of any such notification as last aforesaid, the owner may proceed to execute the alterations as required by the operator, subject to the like restrictions and conditions, so far as they are applicable, as the operator would himself be subject to in executing the alterations. 60

(h) If the owner declines, or for twenty-four hours after 65 the time when any such alterations are required to be commenced, neglects to comply with the notification, the operator may himself proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon him. 70

(i) All expenses properly incurred by any owner in complying with any notification of any operator under this section shall be repaid to him by the operator and may be recovered summarily. 75

(j) any owner may, if he thinks fit, by any statement 75 served by him under this section upon any operator, not being a public or local authority require the operator to give him reasonable security for the repayment to him of any expenses to be incurred by him in executing any alterations as above-mentioned, and where any operator has been so required to 80 give security, he shall not be entitled to have the work required

by him undertaken, nor to serve any further notification upon the owner requiring him to execute the alterations until the security has been duly given, or in the event of dispute as to the amount of security to be given, until the dispute has been referred and settled as hereinafter provided.

(k) If the operator makes default in complying with any of the requirements or restrictions of this section he shall (in addition to any other compensation which he may be liable to make under the provision of the Licence or this Ordinance) make full compensation to the owner affected thereby for any loss, damage or penalty which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees or ten pounds and to a daily penalty not exceeding seventy-five rupees or five founds: Provided that the operator shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency, and that the operator complied with the requirements of this section so far as was reasonable under the circumstances.

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

(2) Where the operator finds it necessary to undermine but not alter the position of any pipe, electric supply line, or work, he shall temporarily support it in position during the execution of his work, and before completion provide a suitable and proper foundation for it where so undermined.

(3) Where the operator (being the Licensee) lays any electric supply line, crossing, or liable to touch, any mains, pipes, electric lines, or services belonging to any gas, electric supply or water company, the conducting portion of any electric supply line shall be effectively insulated in a manner approved by the Governor, and the Licensee shall not, except with the consent of the gas, electric supply or water company, as the case may be, and of the Governor, lay his electric supply lines so as to come into contact with any such mains, pipes, electric lines, or services or except 60 with the like consent and in a manner approved by the Governor employ such mains, pipes, electric lines, or services, as conductors for the purposes of his supply of electrical energy.

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

(5) If the operator makes default in complying with any requirements of this section he shall make full compensation to all owners affected thereby for any loss, penalty, damage, or costs which they may incur by reason thereof; and in addition thereto he shall be liable for each default to a penalty not exceeding one hundred and fifty rupees or ten pounds and to a daily penalty not exceeding seventy-five rupees or five pounds: Provided that the operator shall not be subject to any such penalty if the Court is of opinion that the case was one of emergency, and that the operator complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operator was ignorant of the position of the sewer, drain, watercourse, defence, main, pipe, syphon, electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operator.

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

(6) For the purposes of this section the expression "gas company" shall mean any authority, body or person lawfully supplying gas; the expression "water company" shall mean any authority, body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any authority, body or person supplying electrical energy in pursuance of this Ordinance but not in pursuance of the Licence.

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(7) Where a public or local authority is the Licensee, the references in this section to the public or local authority, and to sewers, drains, watercourses, defences, or works under the jurisdiction or control of the said authority shall not apply.

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For protection of railway and canal authorities or companies.

62. In the exercise of any of the powers of the Licence relating to the execution of works, the Licensee shall not in any way injure the works or conveniences belonging to any public or municipal authority, company or service nor obstruct or interfere with public traffic, except with the previous written consent of the Governor.

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For protection of telegraph and telephone wires.

63. (1) The Licensee shall take all reasonable precautions in constructing, laying down, erecting, or placing his electric supply lines and other works of all descriptions, and in working his undertaking so as not injuriously to affect, whether by induction or otherwise, the working of any wire or line used for the purpose of telegraphic, telephonic, or electric signalling communication, or the currents in that wire or line, whether that wire or line be or be not in existence at the time of the laying down or placing of the electric supply lines or other works.

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If any question arises between the Licensee and the owner of any such wire or line as to whether the Licensee has constructed, laid down, or placed his electric supply lines or other works, or has worked his undertaking in contravention of this sub-section, or as to whether the working of that wire or line or the current therein is or is not injuriously affected thereby, that question shall be determined by arbitration; and the arbitrator (unless he is of opinion that the wire or line not having been so in existence at such time as aforesaid, has been placed in unreasonable proximity to the electric supply lines or works of the Licensee) may direct the Licensee to make any alterations in, or additions to, his system, so as to comply with the provisions of this section, and the Licensee shall make those alterations or additions accordingly.

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

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

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(3) If in any case the Licensee makes default in complying with the requirements of this section, he shall make full compensation to every such owner as aforesaid for any loss or damage which he may incur by reason thereof, and in addition thereto he shall be liable for each default to a penalty not exceeding seventy-five rupees or five pounds, and to a daily penalty not exceeding thirty rupees or two pounds: Provided that the Licensee shall not be subject to any such penalty as aforesaid if the Court is of opinion that the case was one of emergency and that the Licensee complied with the requirements of this section so far as was reasonable under the circumstances, or that the default was due to the fact that the Licensee was ignorant of the position of the wire or line affected thereby, and that that ignorance was not owing to any negligence on the part of the Licensee.

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

- 5 64. (1) Where in any case any electric supply line or other work may have been laid down or erected in, over, along, across, or under any street, for the purpose of supplying electrical energy, or may have been laid down or erected in any other position for such purpose in such a manner as not to be entirely enclosed within any building or buildings, or where any electric supply line or work so laid down or erected may be used for such purpose otherwise than under and subject to the provisions of a Licence, the Governor, if he thinks fit, may, by notice in writing to be served upon the body or person owning or using or entitled to use such electrical supply line or work, require that such electric supply line or work shall be continued and used only in accordance with such conditions and subject to such Rules for the protection of the public safety and of the electric lines and works of the Postmaster General, and of other electric lines and works lawfully placed in any position and used for telegraphic, telephonic or signalling communication, as the Governor may by or in pursuance of such notice prescribe, and in case of non-compliance with the said Rules the Governor may require such body or person to remove such electric supply line or work.
- 25 (2) If any body or person fails to comply with the requirements of any notice which may be served upon them or him under this section, such body or person shall be liable to a penalty not exceeding three hundred rupees or twenty pounds for every such offence, to be recovered summarily, and any Court of summary jurisdiction, on complaint made, may make an order directing and authorizing the removal of any electric line or work specified in such notice by such person and upon such terms as the Court may think fit.
65. (1) At all times during the progress of any works, constructions, or excavations in or under any street or part of any street, the Licensee, operator, or owner, as the case may be, carrying out or executing such works shall provide such fences, guards and lights as may be reasonably necessary in the opinion of the Governor for protecting the public from any danger arising or likely to arise from such works, and shall on completion of such works, constructions, or excavations remove all debris or rubbish then remaining and shall for three months after the date of the reinstatement by him of any part of any street maintain the surface of such part in an efficient state of repair and for twelve months after such date maintain any such part of any street as regards subsidence, all to the reasonable satisfaction of the repairing authority.
- (2) If the Licensee, operator, or owner, as the case may be, opens or breaks up any street or bridge, or any sewer, drain, tunnel, place or work and makes any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, tunnel, place or work so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he neglects to cause the place where such road or pavement, sewer, drain, tunnel, place or work has been opened or broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, he shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect of which such default is made, a sum not exceeding seventy-five rupees or five pounds for every such offence, and he shall forfeit an additional sum of seventy-five rupees or five pounds for each day during which any such delay as aforesaid shall continue after he shall have received notice thereof.
- (3) If any such delay or omission as aforesaid takes place, the authority or person having the control or management of the street, bridge, sewer, drain, tunnel, place or work in respect to which such delay or omission shall take place, may cause the work, so delayed or omitted, to be executed, and the expense of executing the same shall be repaid to such authority or person by the Licensee, operator, or owner, as the case may be, and such forfeit or expenses may be recovered summarily as a civil debt.
- 75 66. The Licensee, operator, or owner, as the case may be, shall be answerable for all accidents, damages, and injuries happening through his act or default, or that of any person in his employment, by reason of or in consequence of any of his works, and shall adequately protect all authorities, bodies, and persons by whom any street is repairable, and all other authorities, com-
- Restrictions as to placing of electric lines, &c.
- Fencing and lightings, excavations, works, &c.
- Penalty for delay in reinstating streets, &c.
- In case of delay, other parties may reinstate and recover the expenses.
- Licensee to be responsible for all damages.

Licensees not exempted from proceedings for nuisance.

Methods of charging.

Maximum price.

Other charges by agreement.

Conditions which may affect price to be charged.

No undue preference as to charge.

Questions as to undue preference to be decided by Governor.

Supply may be cut off on failure to pay charges.

panies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages, and injuries.

67. Nothing in this Ordinance or a Licence shall exonerate the Licensee, operator, or owner, as the case may be from any indictment, action or other proceeding for nuisance in the event of any nuisance being caused or permitted by him. 5

68. (1) The Licensee may charge for electrical energy supplied by him to any consumer (otherwise than by agreement):—

(1) By the actual amount of electrical energy so supplied; 10
or

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

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

(2) Provided that where the Licensee charges by any method so approved by the Governor, any consumer who objects to that method may by one month's notice in writing require the Licensee to charge him at his option by the actual amount of electrical energy supplied to him, or by the electrical quantity contained in the supply, and thereafter the Licensee shall not, except with the consumer's consent, charge him by any other method. 15
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69. (1) The prices to be charged by the Licensee for electrical energy supplied by him shall not exceed those stated in that behalf in the Licence, or in the case of a method of charge approved by the Governor, such price as the Governor may determine on approving the method. 25

(2) Provided that if, in a case where a public or local authority is not the Licensee, either of such authorities, or the Licensee, or such Authorized Distributors (in the case of a Bulk Supply area) or ordinary consumers (in the case of a Distributing area) as the Governor may consider sufficient having regard to the circumstances, at any time after the expiration of five years after the commencement of the Licence, make a representation to the Governor that the prices or methods of charge stated in the Licence or approved by the Governor ought to be altered, the Governor, after such enquiry as he may think fit, may make an order varying the prices or methods of charge stated in the Licence or so approved as aforesaid, or substituting other prices or methods of charge in lieu thereof, and the prices or methods of charge so varied or substituted shall have effect on and after such day as may be mentioned in the order, as if they had been stated in the Licence: Provided also, that the prices and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of five years after they were last altered. 30
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70. Subject to the provisions of the Licence and of this Ordinance 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 Licensee may make any agreement with a consumer as to the price to be charged for electrical energy, and the mode in which those charges are to be ascertained, and may charge accordingly. 50

71. (1) In making any agreement as to the price to be charged for a supply of electrical energy, consideration may be given to the amount of power consumed or contracted for, uniformity or regularity or power factor of the demand, the time during which supply is required, and to any other conditions of the demand affecting the cost of generation or supply. 55

(2) Each and every consumer shall be entitled to receive a supply of electrical energy from a Licensee at the same price and on the same terms as any other consumer in the same area is being supplied at by such Licensee when the circumstances and conditions of the demand and supply are similar. 60

72. (1) The Licensee shall not in making any agreement for the supply of electrical energy, or for the carrying out of any work in connection therewith, or in any way whatsoever show any undue preference, advantage, rebate, or privilege to any consumer, but save as aforesaid he shall make such charges for such supply as may be agreed upon, not exceeding the limit of price imposed by the Licence. 65
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(2) If any difference arises as to what is undue preference, advantage, rebate or privilege, or as to price, that difference shall be determined by the Governor.

73. If any public or local authority, company, or person neglects to pay and charge (not being the subject of a bona fide dispute), after the same shall have been legally demanded, for electrical energy, or any other sum due from them to the Licensee in respect of the supply of electrical energy, the Licensee may cut off such supply, and for that purpose may cut or disconnect any electric supply line or other work through which electrical 75
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energy may be supplied, and may, until such charge or other sum, together with any expenses incurred by the Licensee in cutting off such supply of electrical energy as aforesaid, are fully paid, but no longer, discontinue the supply of electrical energy to such authority, company, or person.

5 Provided that where any company, or person, has given to the Licensee a deposit as security for payment for a supply of electrical energy, the Licensee shall not be entitled to discontinue such supply until the sum due to him for that supply shall equal 10 the sum so deposited as security and after payment shall have been demanded as aforesaid.

10 74. The Licensee may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear (not being the subject of a *bona fide* dispute), whether any such payments be due to the Licensee in respect of supply to the premises in respect of which such supply is demanded or in respect of other premises.

15 75. The Governor may appoint and keep appointed such competent and impartial person or persons as he thinks fit, to be 20 Electric Inspectors, for the purposes of this Ordinance, and may determine the remuneration to be paid to such Inspectors.

20 76. (1) The duties of Electric Inspectors under this Ordinance shall be as follows:—

25 (a) The inspection and testing, periodically and in special cases, of the Licensee's works and the supply of electrical energy given by him;

(b) The certifying and examination of meters; and

30 (c) Such other duties as may be required of him under the provisions of this Ordinance or any Licence or of the Government Regulations.

35 (2) The Governor may prescribe the manner in which, and the times at which, any such duties are to be performed by an Electric Inspector, and also the fees to be taken by him, and those fees shall be accounted for and applied as may be directed by the Governor.

40 77. (1) The Licensee shall send to the Governor notice of any accident by explosion, or fire, and also of any other accident of such kind as to have caused, or to have been likely to have caused, loss of life, or personal injury, which has occurred in any part of the Licensee's works or circuits, or in connection with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs, or, as the case may be, after the loss of life or personal injury becomes known to the Licensee.

45 If the Licensee fails to comply with the provisions of this sub-section he shall be liable for each default, to a penalty not exceeding three hundred rupees or twenty pounds.

50 (2) The Governor may also, if he deems it necessary, appoint any Electric Inspector or other fit person to enquire and report as to the cause of any accident effecting the safety of the public which may have been occasioned by or in connection with the Licensee's works, whether notice of the accident has or has not been received from the Licensee, or as to the manner in and extent to which the provisions of the Licence and this Ordinance, and of the Government Regulations, so far as those provisions affect the safety of the public, have been complied with by the Licensee; and any person appointed under this section, not being an Electric Inspector, shall for the purposes of his appointment have all the powers of an Electric Inspector under this Ordinance.

55 78. On the occasion of the testing of any electric supply line or main of the Licensee, reasonable notice thereof shall be given to the Licensee by the Electric Inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the Inspector, will least interfere with the supply of electrical energy by the Licensee and in such manner as the Inspector thinks expedient, but, except under the provisions of an order made in each case in that behalf by the Governor, he shall not be entitled to have access to or interfere with the electric supply lines or mains of the Licensee at any points other than those at which the Licensee has reserved for himself access to the said electric supply lines or mains: Provided that the Licensee shall not be held responsible for any interruption in the supply of electrical energy which may be occasioned by or required by the Inspector for the purpose of any such testing as aforesaid. Provided also that the testing shall not be made in regard to any particular portion of an electric supply line or main oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Governor.

Power to refuse to supply electrical energy in certain cases.

Appointment of Electric Inspector.

Duties of Electric Inspectors.

Notice of accidents and enquiries by Governor.

Testing of mains.

Testing of works and supply on consumer's premises.

Authorized Distributor to establish testing stations.

Licensees to keep instruments on their premises.

Reading of instruments to be taken.

Electric Inspector may test Licensee's instruments.

Representation of Licensee at testing.

Licensees to give facilities for testing.

Report of result of testing.

Expenses of Electric Inspector.

79. An Electric Inspector, if and when required to do so by any consumer, shall, on payment by the consumer of the prescribed fee, test the variation of electric pressure at the consumer's terminals, or make such other inspection and test of the works of the Licensee upon the consumer's premises as may be necessary for the purpose of determining whether the Licensee has complied with the provisions of the Licence and the Government Regulations.

80. The Licensee shall, if required to do so by the Governor, establish at his own cost and keep in proper condition at such places, within a reasonable distance from a distributing main, such reasonable number of testing stations, as the Governor thinks proper and sufficient for testing the supply of electrical energy by the Licensee through the distributing main, and shall place thereat proper and suitable instruments of a pattern to be approved by the Governor, and shall connect those stations by means of proper and sufficient electric supply lines with the distributing mains, and supply electrical energy thereto for the purpose of the testing.

81. The Licensee shall set up and keep upon all premises from which he supplies electrical energy by an electric supply line such suitable and proper instruments of such pattern and construction as may be approved or prescribed by the Governor, and shall take and record, and keep on record, such observations as the Governor may prescribe, and any observations so recorded shall be produced to the Governor on demand by him and shall be receivable in evidence.

82. (1) The Licensee shall keep in efficient working order all instruments which he is required by or under this Ordinance or the Licence to place, set up, or keep at any testing station or on his own premises, and any Electric Inspector appointed under this Ordinance may examine and record the readings of those instruments, and any readings so recorded shall be produced to the Governor on demand by him, and shall be receivable in evidence.

(2) The examinations and readings under this section must be made at such times and in such manner as may be directed by the Governor.

83. Any Electric Inspector appointed under this Ordinance shall have the right to have access at all reasonable hours to the testing stations and premises of the Licensee for the purpose of testing the electric supply lines and instruments of the Licensee, and ascertaining if they are in order, and in case they are not in order he may require the Licensee forthwith to have them put in order.

84. The Licensee may, if he thinks fit, on each occasion of the testing or inspection of any works of the Licensee by any Electric Inspector, be present or be represented by some officer or other agent, but the Licensee or that officer or agent shall not interfere with the testing or inspection.

85. The Licensee shall afford all facilities for the proper execution of the provisions of this Ordinance with respect to inspection and testing and the readings and inspection of instruments, and shall comply with all the requirements of or under this Ordinance in that behalf; and in case the Licensee makes default in complying with any of the provisions of this section he shall be liable in respect of each default to a penalty not exceeding seventy-five rupees or five pounds, and to a daily penalty not exceeding fifteen rupees or one pound.

86. (1) Every Electric Inspector shall, on the day immediately following that on which any testing has been completed by him under this Ordinance, make and deliver a report of the results of his testing to the authority or person by whom he was required to make the test, and to the Licensee, and that report shall be receivable in evidence.

(2) If the Licensee or any such authority or person is dissatisfied with any report of any Electric Inspector, appeal may be made to the Governor against the report, and thereupon the Governor shall enquire into and decide upon the matter of the appeal, and his decision shall be final and binding on all parties.

87. (1) Save as otherwise provided by this Ordinance and the Licence or by the Government Regulations, all fees and reasonable expenses of an Electric Inspector shall, unless agreed, be ascertained by a Court of summary jurisdiction, or by the Governor, and shall be paid as directed by the Court, or the Governor as the case may be, and may be recovered summarily as a civil debt.

(2) Provided that where the report of an Electric Inspector, or the decision of the Governor, shows that the Licensee or any consumer was guilty of any default or negligence, the fees and expenses shall, on being ascertained as above-mentioned, be

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paid by the party guilty of default or negligence as the Court or the Governor, by whom the fees are ascertained, having regard to the report or decision, directs, and may be recovered summarily as a civil debt.

- 5 (3) Provided also, that in any proceedings for penalties under this Ordinance, the fees and expenses of an Electric Inspector incurred in connection with the proceedings shall be payable by the complainant or defendant as the Court may direct.

88. The amount of electrical energy supplied by the Licensee
10 to any consumer, or the electrical quantity contained in the supply (according to the method by which the Licensee elects to charge) hereinafter referred to as "the value of the supply" shall, except as otherwise agreed between such consumer and the Licensee, be ascertained by means of an appropriate meter or meters which
15 may be duly certified as hereinafter provided under the provisions of this Ordinance or of the Licence, and fixed and connected with the supply system in a manner approved by the Governor.

Meter to be used except by agreement.

89. A meter shall be considered to be duly certified under the provisions of this Ordinance and of the Licence if it be certified,
20 by an Electric Inspector appointed by the Governor, to be a meter capable of ascertaining the value of the supply within such limits of error as may, as respects meters of the class to which the meter belongs, be allowed by the British Board of Trade, and every such meter is hereinafter referred to as "a certified meter." Provided
25 that where any alteration is made in any certified meter, that meter shall cease to be a certified meter unless and until it is again certified under the provisions of this Ordinance and of the Licence.

Certification of meters.

90. An Electric Inspector, on being required to do so by the
30 Licensee or any consumer, and on payment of the prescribed fee by the party so requiring him, shall examine any meter used or intended to be used for ascertaining the value of the supply, and shall certify it as a certified meter if he considers it entitled to be so certified, and the Inspector shall on the like requisition and
35 payment examine the manner in which any such meter has been fixed and connected with the supply system, and shall certify that it has been fixed and connected with the supply system in some manner approved by the Governor if he considers that it is entitled to be so certified.

Inspector to certify meters.

91. Where the value of the supply is under this Ordinance or the Licence required to be ascertained by means of an appropriate meter or meters, the Licensee shall supply such meter or meters and fix it or them upon suitable premises and connect the supply system therewith, and if so required, cause the meter or
45 meters to be duly certified under the provisions of this Ordinance and of the Licence, and for those purposes he may authorize and empower any officer or person to enter upon the premises (if not in his sole occupation) at all reasonable times and execute all necessary work and do all necessary acts; Provided that
50 previously to supplying any such meter or meters, the Licensee may require the consumer to pay to him a reasonable sum in respect of the price of the meter or meters, or to give security therefor, or (if the latter desires to hire the meter or meters) may require him to enter into an agreement for the hire of the meter
55 or meters as hereinafter provided.

Licensee to supply meters if required to do so.

92. (1) If any consumer so desires, three appropriate meters or sets of meters shall be employed or used for ascertaining the value of the supply, which shall be the number of units represented by the mean of the readings of such meters or sets of
60 meters, provided that where the last described method of measurement of the value of the supply is desired as aforesaid, one of such meters or sets of meters shall be the property of the Licensee, one of such meters or sets of meters shall be the property of the consumer, and one of such meters or sets of
65 meters shall be owned conjointly, and the cost of their fixing and connection and the responsibility for, and the cost of, their maintenance or certification shall be according to ownership.

Provision re separately and jointly owner meters.

- (2) Where one or more of any meters or sets of meters installed to ascertain the value of the supply fails to register, or
70 if the readings be disputed, the mean of the readings of the meters or sets of meters shall not be taken to be the value of the supply. In any such case, and failing agreement between the Licensee and the consumer as to the value of supply, the question may be referred by either party to an Electric Inspector as provided by section 98.

Meter failing to register.

93. The Licensee shall not, nor shall any consumer, connect or disconnect any meter to be used, or used under the Licence for ascertaining the value of the supply with or from any electric supply line through which electrical energy is supplied by the
80 Licensee, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and

Meters not to be connected without notice.

the Licensee or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding thirty rupees or two pounds.

Meters not to be altered as to adjustment, without notice.

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94. The Licensee shall not, nor shall any consumer, make any alteration, adjustment or re-adjustment in any meter being used for ascertaining the value of the supply, whereby the action of such meter as a measuring instrument shall or may be affected, unless the one has given to the other not less than forty-eight hours' notice in writing of the intention to do so, and the Licensee or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding thirty rupees or two pounds.

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Consumer to keep his meter in proper order.

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95. (1) 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 that value, and in default of his so doing, the Licensee may cease to supply electrical energy through the meter.

(2) The Licensee shall have access to, and be at liberty to take off, remove, test, inspect, and replace, any such meter at all reasonable times, subject to such notice being given to the consumer as aforesaid: Provided that all reasonable expenses of, and incident to, any such taking off, removing, testing, inspecting, and replacing of the meter and of having the meter again duly certified, where the recertifying is thereby rendered necessary, shall, if the meter is found by an Electric Inspector to be not in proper order, be paid by the consumer, but if it is found to be in proper order all expenses connected therewith shall be paid by the Licensee.

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Power of the Licensees to let meters.

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Licensees to keep meters let for hire in repair.

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Disputes as to accuracy of meter to be settled by Inspector.

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97. The Licensee shall, unless the agreement for hire otherwise provides, at all times, at his own expense, keep all meters let for hire by him to any consumer, whereby the value of the supply is or should be ascertained, in proper order for correctly registering that value, and in default of his doing so the consumer shall not be liable to pay rent for the meter during such time as the default continues. The Licensee 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 having any such meter again duly certified, where that re-certifying is thereby rendered necessary, shall be paid by the Licensee.

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98. If any dispute arises between any consumer and the Licensee as to whether any meter, whereby the value of the supply is ascertained (whether belonging to the consumer or to the Licensee), is or is not in proper order for correctly registering that value, or as to whether that value has been correctly registered in any case by any meter, that difference shall be determined upon the application of either party by an Electric Inspector, and that Inspector shall also order by which of the parties the costs of and incidental to the proceedings before him shall be paid, and the decision of the Inspector shall be final and binding on all parties.

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Subject as aforesaid, the reading of the meter shall be conclusive evidence, in the absence of fraud, as to the value of the supply.

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

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99. Where any consumer who is supplied with electrical energy by the Licensee from any electric supply line is provided with a meter for the purpose of ascertaining the value of the supply, and the Licensee changes the method of charging for electrical energy supplied by him from the electric supply lines, the Licensee shall pay to that 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 the new method of charging, and those expenses may be recovered by the consumer from the Licensee summarily as a civil debt.

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Licensee may instal meters to measure supply or to check measurement.

100. In addition to any meter which may be placed upon the premises of any consumer to ascertain the value of the supply, the Licensee may place upon such consumer's premises such meter or other apparatus as he may desire for the purpose of ascertaining or regulating either the amount of electrical energy supplied to the consumer or the number of hours during which the supply is given, or the maximum power taken by the con-

- sumer, or any other quantity or time connected with the supply: Provided that the meter or apparatus shall be of some construction and pattern, and shall be fixed and connected with the supply system in some manner, approved by the Governor, and shall be supplied and maintained entirely at the cost of the Licensee and shall not, except by agreement, be placed otherwise than between the mains of the Licensee and the consumer's terminals.
101. (1) The Licensee shall set up and keep upon suitable premises, suitable and proper instruments and apparatus of such pattern and construction as may be approved or prescribed by the Governor, for the purpose of testing the accuracy of meters used or to be used for ascertaining the value of the supply given or to be given by the Licensee.
- (2) No meter for ascertaining the value of the supply shall be used unless it is in a condition for ascertaining the value of the supply within the limits of error, which may, as respects meters of the class to which the meter belongs, be, for the time being, allowed by the Government Regulations.
- (3) The records of the tests made under this section at the various loads specified in the memorandum of the British Board of Trade on electricity meters, shewing the percentage of error above and below normal, shall be made and kept by the Licensee.
- (4) If the Licensee makes default in complying with any of the provisions of this section or shall fail to produce any records required to be kept by him on the demand within reasonable hours of an Electric Inspector, he shall be liable to a penalty not exceeding seventy-five rupees or five pounds and to a daily penalty not exceeding thirty rupees or two pounds.
102. Any officer appointed by the Licensee may at all reasonable times enter any premises to which electrical energy is or has been supplied by the Licensee, in order to inspect the works for the supply of electrical energy belonging to the Licensee, and for the purpose of ascertaining the quantity of electrical energy consumed or supplied, or where a supply of electrical energy is no longer required, or where the Licensee is authorized to take away and cut off the supply of electrical energy from any premises, for the purpose of removing any works belonging to the Licensee, repairing all damage caused by such entry, inspection, or removal.
103. Where any works, belonging to the Licensee, are placed in or upon any premises not being in the possession of the Licensee for the purpose of supplying electrical energy under this Ordinance, or any Licence, such works shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be, nor 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.
104. (1) All electric supply lines, fittings, apparatus, and appliances let by any Licensee on hire or belonging to any Licensee, but being in or upon premises of which the Licensee is not in possession, shall, whether they be or be not fixed or fastened to any part of any premises in or upon which they may be situate, or to the soil under any such premises, at all times continue to be the property of, and be removable by, the Licensee:
- (2) For the purposes of this section, electric supply lines, fittings, apparatus, and appliances disposed of by the Licensee on terms of payment by instalments shall, until the whole of the instalments have been paid, be deemed to be electric supply lines, fittings, apparatus, and appliances let on hire by the Licensee.
- (3) Nothing in this section shall affect the amount of the assessment for rating of premises upon which any electric supply lines, fittings, apparatus, or appliances are or shall be fixed.
105. Any person who shall lay, erect or instal or permit to be laid, erected or installed any conductor, and connect it with any conductor to which electrical energy is supplied by a Licensee without the consent of such Licensee, or who, in case the value of the supply of electrical energy by the Licensee is not ascertained by meter, shall use any apparatus or lamp other than he has contracted to pay for or shall use such apparatus or lamp at any other time than the time specified and for which he has contracted to pay, or who shall otherwise improperly use the supply of electrical energy or shall supply any other person with any part of the electrical energy supplied to him by the Licensee, shall forfeit to the Licensee a sum not exceeding seventy-five rupees or five pounds for every such offence, and also a sum
- Licensee to keep meter testing apparatus and records of tests.
- Penalty for default made under this section.
- Power to enter lands or premises for ascertaining quantities of electricity consumed, or to remove fittings, &c.
- Electric lines, &c., not to be subject to distress in certain cases.
- Electric supply lines, and works, let on hire, though fixed to premises, to remain property of Licensee.
- Wrongful and fraudulent practices.

	not exceeding thirty rupees or two pounds for every day such conductor shall so remain, or such apparatus or lamp shall be so used, or such excess be so committed or continued, or such supply furnished; and the Licensee may also until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the premises of the person so offending, notwithstanding any contract which may have been previously entered into.	5
Wilful damage to works or extinguishing of public lights.	106. (1) Any person who shall wilfully extinguish or cause to be extinguished any public lights or lamps, or waste or improperly use any of the electrical energy supplied by the Licensee, shall for each such offence forfeit to the Licensee any sum not exceeding seventy-five rupees or five pounds, in addition to the amount of the damage done.	10
Penalty.	(2) Any person who shall carelessly or accidentally break, throw down or damage any works of or under the control of the Licensee, shall pay such sum of money to the Licensee, by way of satisfaction for the damage done, as any Court of competent jurisdiction may award.	15
Careless or accidental damage to works.	107. Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works of the Licensee, or alters the index of any meter for ascertaining the value of the supply, or prevents any such meter from duly registering the value of the supply, or fraudulently abstracts, consumes, or uses the electrical energy of the Licensee, shall (without prejudice to any other right or remedy for the protection of the Licensee or the punishment of the offender) for every such offence forfeit and pay to the Licensee a sum not exceeding seventy-five rupees or five pounds, and the Licensee may in addition thereto recover the amount of any damaged sustained by him; and in any case in which any person has wilfully and fraudulently injured or permitted to be injured any works of the Licensee, or altered the index of any meter for ascertaining the value of the supply, or prevented any such meter from duly registering the value of the supply, the Licensee may also, until the matter complained of has been remedied, but no longer, discontinue the supply of electrical energy to the person so offending (notwithstanding any contract previously existing); and the existence of artificial or unlawful means for causing such alteration or prevention (when such meter is under the custody or control of the consumer), or for abstracting, consuming or using the electrical energy of the Licensee, shall be <i>prima facie</i> evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused or permitted. The amount of any forfeit or damage to which the Licensee is entitled under this section may be recovered by him summarily as a civil debt.	20 25 30 35 40 45
Licensee entitled to forfeit and damages for injury to works, tampering with meter or fraudulent use of energy.	108. In any case where any consumer receiving a supply of electrical energy from a Licensee uses or permits to be used such supply for any purpose or deals or permits it to be dealt with in any manner so as to interfere unduly or improperly with the efficient supply of electrical energy by the Licensee to any other consumer, the Licensee may, if he thinks fit, discontinue to supply electrical energy to such consumer so long as the electrical energy is so used or dealt with.	50
Licensees may cease to supply if the same is used detrimentally to the system.	109. If any difference arises as to any improper use of electrical energy, or as to any alleged defects in, or as to unsuitable or as to necessary apparatus or protective devices, that difference shall be referred to an Electric Inspector.	55
Difference as to above and as to apparatus to be settled by Electric Inspector.	110. (1) The Licensee shall forthwith after commencing to supply electrical energy under the Licence cause a map to be made of the area of supply, and shall cause to be marked thereon the positions of all his then existing overhead electric supply lines and other works, and the position, and the depth below the surface, of all his then existing underground electric supply lines and other underground works and street boxes, and shall once in every year cause that map to be duly corrected so as to show the then existing electric supply lines and other works. The Licensee shall also, if so required by the Governor or the Postmaster General, cause to be made sections showing the level of all his existing underground electric supply lines and works other than service lines. The said map and sections shall be made on such scale or scales as the Governor may prescribe.	60 65 70
Map of area of supply to be made.	(2) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Licensee at his principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and those applicants may take copies of it or any part of it. The Licensee may demand and take from every such applicant such fee not exceeding one rupee or one shilling and four pence for each inspection of the	75 80

map, section, or copy and such further fee not exceeding five rupees or six shillings and eight pence for each copy of it, taken by the applicant, as he may prescribe.

- (3) The Licensee shall, if required by the Governor or the Postmaster General, or, where a public or local authority is not the Licensee, by such authority, supply a copy of any such map or section, and cause that 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 Licensee.
- 10 (4) If the Licensee fails to comply with any of the requirements of this section he shall for each default be liable to a penalty not exceeding one hundred and fifty rupees or ten pounds, and to a daily penalty not exceeding thirty rupees or two pounds.
111. Notices, orders, and other documents under the Electric Supply Line Ordinance, 1914, or this Ordinance, or the Licence, may be printed or written.
- 15 Supply 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 public or local authority, the signature thereof by the director, engineer, or clerk to such public or local authority shall be sufficient authentication.
112. (1) Any notice, order, or document required or authorized to be served upon any authority, body or person under the Electric Supply Line Ordinance, 1914, or this Ordinance or the Licence may be served by being addressed to that authority, body, or person, and being left at or transmitted through the post to the following addresses respectively:—
- 20 (a) in the case of the Governor, the office of the Honourable Chief Secretary, Nairobi;
- 30 (b) in the case of the Director of Public Works, the Head Office of the Public Works Department, Nairobi;
- (c) in the case of the Postmaster General, the General Post Office, Nairobi;
- 35 (d) In the case of any Deputy or Electric Inspector appointed by the Governor or the Director of Public Works, for the purposes of this Ordinance, the office of such Deputy or Electric Inspector;
- (e) in the case of any public or local authority, the office of such authority;
- 40 (f) in the case of the Licensee, where the Licensee is not a public or local authority, the registered office of the Licensee in the area of supply;
- (g) in the case of a company, the registered office of the company in the area of supply, and in the case of a company having an office or offices, but no registered office, the principal office of the company in the area of supply;
- 45 (h) in the case of any other person, the usual or last known place of abode of that person.
- (2) A notice, order, or document required or authorized by this Ordinance or the Electric Supply Line Ordinance, 1914, or the Licence, 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.
- (3) A notice, order or document required or authorized by this Ordinance, or by the Electric Supply Line Ordinance, 1914, or the Licence, to be served on the owner or occupier of premises may be served by delivering it, or a true copy thereof, to some person on the premises, or if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.
- (4) Subject to the provisions of this Ordinance and of the Licence as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of this Ordinance or of the Licence 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 that time; that is to say, Sunday, Christmas Day, Good Friday, any public holiday observed by Government Offices and any day appointed for public fast, humiliation, or thanksgiving.
113. If the Governor, in any case where a public or local authority is not the Licensee, at any time after the commencement of the Licence, has reason to believe that the Licensee has made any default in executing works or supplying electrical energy in accordance with the provisions of that Licence, and that that default is in consequence of the insolvency of the Licensee, and that by reason of that insolvency the Licensee is unable fully and efficiently to discharge the duties and obligations imposed upon him by that Licence, the Governor may after such enquiry as he may think necessary, revoke that Licence.
- Service of notices, &c.
- Revocation of Licence where Licensees are insolvent.

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

114. If in any case where a public or local authority is not the Licensee, the Licensee at any time after the commencement of the Licence represents to the Governor that the undertaking cannot be carried on with profit, and ought to be abandoned, the Governor shall enquire into the truth of the representation, and if upon that enquiry the Governor is satisfied as to the truth of the representation, he may, if in his discretion he thinks fit, revoke the Licence. 5

Revocation where public or local authority are Licensees and works are not executed.

115. If in any case where a public or local authority is the Licensee, the Governor, at any time after the commencement of the Licence, has reason to believe that the Licensee has made default in executing works or supplying electrical energy in accordance with the provisions of the Licence, the Governor may, after such enquiry as he may think necessary, revoke the Licence. 10

Revocation of Licence with consent.

116. In addition to any other powers which the Governor may have in that behalf, he may revoke the Licence at any time with the consent and concurrence of the Licensee, upon such terms as the Governor thinks just. 15

If Licensee discontinues the supply Governor may operate same.

117. (1) If at any time any Licensee shall, without the authority of the Governor being first had and obtained in writing, discontinue, or make default in, the supply of electrical energy as incumbent on him by his Licence, or, after having received notice to remedy or make good any defects, shall fail or neglect to make such provisions as will ensure a regular and sufficient supply of electrical energy, or for any other cause or reason whatsoever shall make, or continue to make, such default in the supply of electrical energy as to cause or be liable to cause danger or loss to the public, the Governor may authorize an officer of the Government to enter upon the works of the Licensee, to suspend his Licence, and forthwith to do all such things, deeds, and works as he may consider necessary for the maintenance and continuation of the supply of electrical energy from the works, plant, and apparatus of the Licensee. 20 25

(2) Any person obstructing, or causing obstruction to, an officer so authorized by the Governor, in the carrying out of such duties and works shall be liable on conviction to a penalty not exceeding fifteen thousand rupees or one thousand pounds. 30 35

(3) In any case where the Governor takes action under this section, the Licence together with all rights, powers, authorities, duties and obligations of the Licensee in the area concerned shall forthwith cease and determine, or otherwise as the Governor thinks fit. 40 45

(4) The Governor may continue the operation of such works, plant, and apparatus for such period as he deems expedient and take the measures or proceed as described in section 119 and any compensation to which the Licensee shall be entitled shall be that which may be determined in the manner therein provided. 50

Revocation not to absolve Licensees from liability for damages and penalties.

118. (1) The revocation by the Governor of any Licence, shall not indemnify the ex-Licensee against the infliction of any penalties to which he may have become liable, under the Licence or this Ordinance, by reason of any default, or against the recovery from him by any consumer of any damages claimed by such consumer under any agreement made with the ex-Licensee under the Licence until such time as the Licence with its duties and obligations shall have been transferred to another Licensee, and, if the supply of electrical energy has been interrupted or stopped, until such supply has been resumed by a new Licensee. 55

(2) The amount of any penalties or damages for which the ex-Licensee may be liable under this section, shall rank as a charge against any purchase money to which such ex-Licensee may be entitled in respect of any of his works, and any court of summary jurisdiction may interdict the payment to such ex-Licensee of such purchase money or part thereof, pending the result of any legal action in respect of such penalties or damages, or otherwise until such claims have been agreed or settled. 60 65

Provisions where Licence revoked.

119. If the Governor, in any case where a public or local authority is not the Licensee, at any time revokes a Licence, under any of the provisions of this Ordinance or of the Licence, the following provisions shall have effect:—

Notice of revocation.

(a) The Governor shall serve a notice of the revocation upon the Licensee and upon the public or local authority or authorities in the area of supply, and shall in that notice fix a date at which the revocation shall take effect, and from and after that date all the powers and liabilities (except as defined by the preceding section) of the Licensee under this Ordinance or the Licence, shall absolutely cease and determine. 70 75

Public or local authority may apply for a licence.

(b) Within two months after the service of the notice by the Governor upon the public and local authorities, such authorities or any of them, if they think fit, may apply to the Governor for a Licence authorizing them to operate the under-

taking, with or without modification, and the Governor may grant such new Licence upon such terms and conditions as he sees fit, or he may refuse the application.

- 5 (c) Where the Governor has granted such Licence, the new Licensee may by notice in writing require the ex-Licensee to sell, and thereupon the ex-Licensee shall sell to him the works of the undertaking under the Licence upon terms of paying the then value of all land, buildings, works materials, and plant of the ex-Licensee suitable to the purposes of the undertaking as aforesaid, that value being agreed or estimated in the manner herein provided.
- 10 (d) Where any purchase is so effected, the undertaking when purchased shall vest in the authorities or authority making the purchase, freed from any debts, mortgages, or similar obligations of the ex-Licensee, or attaching to the undertaking; and the revocation of the Licence of the ex-Licensee shall be absolute.
- 15 (e) If no application is made as above or if the Governor refuses to grant a Licence to any public or local authority, under the preceding provisions of this section, the Governor may, by giving public notice, take such other measures as he thinks fit for the disposal, under a Licence, of the rights powers, authorities, duties and obligations essential to the renewed or continued operation of the undertaking, and of the land, buildings, works, materials and plant of the ex-Licensee suitable to the purposes of the undertaking as aforesaid.
- 20 (f) Should any purchase be effected in consequence of any such action of the Governor, the value to be agreed or estimated and the revocation of the Licence and the investment of the purchaser with such Licence and the rights, powers, authorities, duties and obligations thereof together with such land, buildings, works, material and plant, shall be as if such purchaser was the purchaser under sub-sections (c) and (d).
- 25 (g) Where no purchase has been effected under the preceding provisions of this section, the public or local authority, and any body or person who may be liable for the reinstatement, maintenance or repair of any site on which, or for the repair of any street or part of a street in which, any works of the Licensee have been placed, may (subject however to any agreement between the public or local authority or that body or person and the Licensee providing for the removal of those works by the Licensee) forthwith remove those works with all reasonable care, and the Licensee shall pay to the public or local authority, or other such body or person as aforesaid, such reasonable costs of the removal and of the reinstatement or repair of any site or for the repair of any street or part of a street as may be specified in a notice to be served on the Licensee by the public or local authority or other body or person, or (if so required by the Licensee, within one week after the service of the notice upon him) as may be determined by arbitration.
- 30 (h) If the Licensee fails to pay such reasonable costs as aforesaid within one month after the service upon him of the notice, or the delivery of the award of the arbitrator (as the case may be), the public or local authority, or other such body or person as aforesaid may, without any previous notice to the Licensee (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 the sale, pay and reimburse themselves the amount of the costs so specified or settled as aforesaid and of the costs of sale, and the balance (if any) of the proceeds of the sale shall be paid over by them to the ex-Licensee.
- 35 (i) In case the public or 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 as aforesaid, or the exercise of any powers granted by the revoked Licence to the ex-Licensee, or for any expenses to which that public or local authority, body, or person may have been put in removing any works of the ex-Licensee under the provisions of the revoked Licence, that compensation shall be a first charge on any money that may have been deposited or secured by the ex-Licensee under the provisions of the revoked Licence and which may not have been repaid or released to the ex-Licensee, and that money shall be applied rateably in satisfying those claims, and in every such case the
- Public or local authority in possessing a Licence may require ex-Licensee to sell.
- Procedure if application by local authority is not received or is refused.
- Conditions as to purchase.
- Removal of ex-Licensee's works where no sale is effected.
- Costs of removal of works.
- Compensation for damage entailed by removal.

Provisions where public or local authority is Licensee and Licence is revoked.

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 arbitration.

120. (1) If the Governor, in a case where a public or local authority is the Licensee, at any time revokes the Licence as to the whole or any part of the area of supply, any authority or person who may be liable for the reinstatement, maintenance or repair of any site, upon which, or for the repair of any street or part of a street within that area or part thereof in which, any works of the Licensee have been placed, may forthwith remove those works with all reasonable care, and the ex-Licensee shall pay to such authority or person such reasonable costs of the removal as are specified in a notice to be served on the ex-Licensee by such authority or person, or, if so required by the ex-Licensee within one week after the service of the notice upon him, as may be determined by arbitration. 5· 10· 15·

(2) If the ex-Licensee fails to pay such reasonable costs as aforesaid within one month after the service upon him of such notice or the delivery of the award of the arbitrator (as the case may be), such authority or person as aforesaid may without any previous notice to the ex-Licensee (but without prejudice to any other remedy which they may have for the recovery of the amount), sell or 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 he thinks fit, and may, out of the proceeds of sale, pay and reimburse himself the amount of the costs so specified or determined as aforesaid, and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by him to the ex-Licensee. 20· 25·

Defective works or contravention of Regulations.

121. (1) If at any time it is established to the satisfaction of the Governor 30·

(a) that the Licensee is supplying electrical energy otherwise than by means of a system which has been approved by the Governor, or (except in accordance with the provisions of the Licence) has permitted any part of his circuits to be connected with earth or placed any electric line above ground, or 35·

(b) that any electric supply lines or works of the Licensee are defective, so as not to be in accordance with the provisions of the Licence or this Ordinance or the Government Regulations, or 40·

(c) that any work of the Licensee or his supply of electrical energy is attended with danger to the public safety, or injuriously affects any telegraph, telephone, or signalling line of the Postmaster General, or of the authority responsible for the management of any railway, 45·

the Governor may by order specify the matter complained of, and require the Licensee to abate or discontinue it within such period as is therein specified in that behalf, and if the Licensee makes default in complying with the order he shall be liable to a penalty not exceeding three hundred rupees or twenty pounds for every day during which the default continues. 50·

(2) The Governor may also if he thinks fit by the same or any other order forbid the use of any electric supply line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be specified, and if the Licensee makes use of any such electric supply line or work while the use thereof is so forbidden he shall be liable to a penalty not exceeding one thousand five hundred rupees or one hundred pounds for every day during which the use continues. 55·

(3) In any case of non-compliance with an order under this section, whether a pecuniary penalty has been recovered or not, the Governor, if in his opinion the public interest so requires, may revoke the Licence on such terms as he thinks just. 60·

Nature and amount of security.

122. Where any security is required under the Licence to be given to or by the Licensee, that security may be by way of deposit or otherwise, and of such amount as may be agreed upon between the parties, or as in default of agreement may be determined, on the application of either party, by the Governor or by a Court of summary jurisdiction, and the Governor or that Court may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the Governor or of the Court shall be final and binding on all parties: Provided that where any such security is given by way of deposit, the party to whom the security is given shall pay interest at the rate of four per centum per annum on every sum of fifteen rupees or one pound so deposited for every six months during which it remains in his hands. 65· 70· 75·

Proceedings upon reference to the Governor or his Deputy.

123. (1) All things required or authorized under this Ordinance or a Licence to be done by, to, or before the Governor, may be done by, to, or before the officer deputed by the Governor to exercise the powers vested in the Governor under this Ordinance or a Licence. 80·

(2) All documents purporting to be orders made by the Governor or by any person authorized in that behalf by the Governor, shall be received in evidence, and shall be deemed to be those orders without further proof unless the contrary is shown.

(3) A certificate signed by the Governor that any order made or act done is his order or act, as the case may be, shall be conclusive evidence of the order or act so certified.

124. (1) Where this Ordinance or a Licence provides for any consent or approval of the Governor, the Governor may give that consent or approval subject to terms or conditions, or may withhold his consent or approval, as in his discretion he may think fit.

(2) All costs and expenses of or incident to any approval, consent, certificate or order of the Governor or of any Inspector or person appointed by the Governor, including the cost of any enquiry or test for the purpose of determining whether the same should be given or made, to such an amount as the Governor certifies to be due, shall be borne and paid by the applicant therefor, subject to the provisions of this Ordinance:

Provided that where any approval is given by the Governor to any plan, pattern, or specification, the Governor may require such copies of the plan, pattern, or specification as he thinks fit to be prepared and deposited at a specified office at the expense of the applicant, and may, as he thinks fit, revoke any approval so given, or permit the approval to be continued subject to such modifications as he thinks necessary.

125. Where any application is made to the Governor
 (a) to extend any time prescribed for the performance of any duties by a Licensee, or
 (b) for the grant of any Licence, or for the revocation of any Licence as to the whole or any part of any area of supply, or
 (c) for the alteration of any area of supply,
 notice of the application shall be given by the applicant, with such particulars as the Governor may prescribe, by public advertisement once at least in each of two successive weeks in some one and the same newspaper circulating in the area of supply, and opportunity shall be given for representation thereon or objections with reference thereto shall be lodged with and considered by the Governor.

126. Where the Governor
 (a) upon the application of the Licensee, gives any approval of, or grants any extension of any time specified for the performance of any duties by the Licensee; or
 (b) in the case where a public or local authority is not the Licensee, revokes the Licence upon the application of any such authority, or of the Licensee, as to the whole or any part of the area of supply; or
 (c) in a case where a public or local authority is the Licensee revokes the Licence as to the whole or any part of the area of supply,

notice that the approval has been given, or the extension of time granted, or the revocation made, shall be published by the Licensee by public advertisement once at least in each of two successive weeks in some one and the same newspaper circulating in the area of supply, or, where the application for revocation has been made by a public or local authority, by such authority, or where the Licence of a public or local authority is revoked, by the Governor.

127. (1) Where under any of the provisions of this Ordinance or a Licence it is provided that any of the works of any Licensee or ex-Licensee shall or may be purchased for the purposes of any Licence under this Ordinance, the price to be paid for any such works, if not agreed upon between the parties, shall be determined by arbitration and in any case shall be their fair market value at the time of such purchase, due regard being given to the nature and then condition of such works or any of them and to the state of repair thereof, and to the circumstance as to whether they are in such a position and condition as to be ready for immediate working, and to the suitability of the same for the purposes of the new Licence, but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which may or might have been made from the works or the undertaking, or for any similar consideration.

Approval or consent of Governor.

Notice by advertisement of applications for extension of time revocation of Licence or alteration of areas.

Notice of extension of time, or revocation of Licence to be given by advertisement.

Purchase of works of Licensee or ex-Licensee; mode of valuation.

Provided that any land comprised in the works to be purchased and which has been or is leased or granted by the Governor for the purposes of the Licence shall revert to the Governor without payment, and that any land comprised in the works to be purchased which was compulsorily acquired under any Ordinance or the authority of the Governor for the purposes of the Licence shall be valued at the price paid for it on its compulsory acquisition as aforesaid.

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(2) The Governor may determine any other question which may arise in relation to such purchase, and may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, and approved of by the Governor, all the works so purchased as aforesaid shall vest in the Licensee or Licensees, who has or have made the purchase, freed from any debts, mortgages or similar obligations of such first mentioned Licensee or ex-Licensee or attaching to his works or undertaking.

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Arbitration.

128. (1) Where any matter is by this Ordinance, or any Licence, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other qualified person as arbitrator, to be agreed to by the parties to the arbitration and to be approved or by the Governor, or, failing such agreement by the parties, to be nominated by the Governor on the application of either party.

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(2) Where any matter, question or dispute arises under this Ordinance or any Licence, the interpretation or settlement of which is not effected by agreement or is not specifically provided for, such matter, question or dispute shall be interpreted or settled by arbitration.

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Matters for arbitration may be referred to the Governor.

(3) In any case where it is provided that any matter, question or dispute shall be interpreted or settled by arbitration, it may, if the parties so agree, be referred to the Governor, who, at his discretion may decide the issue or refer the same to arbitration, and the decision of the Governor or the arbitrator (as the case may be) shall be final and binding on all parties.

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Costs of reference or arbitration.

(4) The expenses incurred by the parties thereto, in connection with such reference or arbitration (unless agreed upon between the parties) and the expenses incurred by the Governor or the arbitrator, to such an amount as may be certified by the Governor or the arbitrator, shall be paid by the party or parties as directed by the Governor or the arbitrator (as the case may be) and may be recovered summarily as a civil debt.

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As to mortgages.

129. Nothing in the Licence shall prevent the Licensee, in a case where a public or local authority is not the Licensee, from borrowing money on the security of mortgages of the undertaking, or shall make the consent or approval of the Governor necessary to the validity or effect of any such mortgage:

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Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Licensee in the event of any sale or transfer of the undertaking or any part thereof and that any mortgage granted by the Licensee shall not be a charge upon the undertaking, or any part thereof, in the event of the undertaking or that part being sold or transferred as aforesaid, and that every mortgage deed granted by the Licensee shall be endorsed with notice to that effect.

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Agreements made by Licensee invalid unless approved by Governor. Exception of special motive power agreement of Prior Licensee.

130. No agreement entered into by a Licensee concerning any of the purposes of his Licence shall be valid unless drawn up in terms approved of in writing by the Governor.

Provided that any special agreement entered into before the enactment of this Ordinance, between a Prior Licensee under the provisions of his Prior Licence and any consumer in respect of any special supply of electrical energy for motive power purposes, shall be deemed to have been approved by the Governor, but not as to any renewals of such agreement whether contemplated in such agreement or not.

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Licensee not to engage in other business.

131. (1) A Licensee shall not directly or indirectly have any interest in any other business of an electrical nature within his area of supply, excepting that he may undertake the supply by sale or hire of electrical motors, cooking, heating, or domestic and industrial appliances of such a nature as to require for their operation or use a supply of electrical energy originating from the works or system of a Licensee.

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(2) Provided that the provisions of this section shall not come into operation and have effect until after the expiration of twelve months from the enactment of this Ordinance, and that the Governor may suspend the provisions of this section from 5 operation in any area or areas, and for such time as he thinks expedient, and provided that in any case where the provisions of this section have been so suspended, they shall not be operative in any such area or areas until after the expiration of twelve months from the date of a notice in the "Official Gazette" of 10 the Governor's intention to make operative and to enforce such provisions.

Governor may suspend, in any area, the operation of clause prohibiting Licensees carrying out wiring work, etc.

132. (1) Any penalty, fee, expenses, or other moneys recoverable under this Ordinance or a Licence, or under the Government Regulations, the recovery of which is not otherwise specially 15 provided for, shall be a civil debt recoverable summarily.

Recovery and application of penalties.

(2) Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the Court so direct, be paid to that body or person.

Provision as to General Ordinances.

133. Nothing in this Ordinance or a Licence shall exempt the 20 Licensee or his undertaking from the provisions of, or deprive the Licensee of the benefits of, any general Ordinance relating to electrical energy, or to the supply of, or price to be charged for, electrical energy, which may be passed after the granting of a Licence.

25 134. Although any shore, bed of the sea, river, channel, creek, bay, or estuary is included in the area of supply, nothing in the Licence shall authorize the Licensee to take, use, or in any manner interfere with any portion of that shore or bed of the sea, or of the river, channel, creek, bay, or estuary, or any right 30 in respect thereof, or of the water thereof, belonging to the King's Most Excellent Majesty in right of His Crown, and under the management of the Governor on behalf of His Majesty (which consent in writing the Governor may give), neither shall anything in the Licence or this Ordinance contained extend to take 35 away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by the King's Majesty.

Saving rights of the Crown in the foreshore.

135. Additional to any Rules mentioned in this Ordinance, the Governor may from time to time make, and when made may 40 amplify, alter, or repeal, Rules in relation to any matters arising under this Ordinance, and may provide and make penalties for the breach or non-observance of any of the provisions of this Ordinance or of any of the Rules made under this Ordinance. Any Rules referred to in this section shall be deemed 45 to be within the powers conferred by this Ordinance, and shall be of the same force as if enacted in this Ordinance, and shall be judicially noticed.

Governor may make rules.

136. The Governor may from time to time make such Regulations as he may think expedient in relation to the use of electrical 50 energy in any mine or quarry, or in any factory, workshop, or place, for securing the safety of persons and property from injury from shock or from fire or otherwise and may prescribe penalties for the breach or non-observance of such Regulations, and may from time to time amend or repeal any such Regulations and 55 every Regulation so amended or repealed shall, from and after the date thereof, be amended or repealed accordingly, but such amendment or repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such amendment or repeal or any proceeding or remedy which might have been 60 had in relation thereto.

Regulations relating to mines, quarries, factories, &c.

137. (1) Before making any Regulations under this Ordinance, the Governor shall publish, in such manner as he may think best adapted for informing the body or person affected, notice of the proposal to make, amend, or repeal any Regulations 65 and of the place where copies of the draft Regulations may be obtained, and of the time (which shall not be less than twenty-one days) within which any objection made with respect to the draft Regulations by or on behalf of persons affected must be sent to the Governor.

Procedure for making Regulations.

70 (2) Every objection must be printed or written and state:—
 (a) the draft Regulations or portions of such objected to,
 (b) the specific grounds of objection, and
 (c) the omissions, additions, or modifications asked for.

(3) The Governor shall consider any objection made by or on behalf of any person appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft Regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft. 5

(4) Where the Governor has received an objection to any draft Regulation, he may, provided the objection does not appear to him to be frivolous, immaterial, or opposed to the public interest, before making the Regulation, direct an enquiry to be held in the manner hereinafter provided. 10

Enquiries on proposed Regulations.

138. (1) The Governor may appoint a competent person to hold an enquiry with regard to any draft Regulations, and to report to him thereon.

(2) The enquiry shall be held in public, and any person deputed by the Governor, and any objector, and any other person who, in the opinion of the person holding the enquiry, is affected by the draft Regulations, may appear at the enquiry either in person or by agent. 15

(3) The witnesses on the enquiry may, if the person holding it thinks fit, be required to make their statements on oath, which oath the person holding the enquiry is hereby authorized to administer. 20

(4) Subject as aforesaid, the enquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with procedure prescribed by the Governor.

(5) The fee to be paid to the person holding the enquiry shall be such as the Governor may direct, and shall be deemed to be part of the expenses of the Governor in the execution of this Ordinance. 25

Publication of Regulations.

139. (1) The Government Regulations for the time being in force shall within one month after they have come into force, as made or last altered, be printed at the expense of the Licensee, and a true copy thereof, certified by or on behalf of the Licensee, shall be kept by the Licensee at his principal office within the area of supply, and supplied to any person demanding them at a price not exceeding one rupee or one shilling and four pence for each copy, and where a public or local authority is not the Licensee, a like copy shall also be forthwith served upon the public or local authority or authorities within the area of supply. 30 35

(2) If the Licensee makes default in complying with the provisions of this section he shall be liable to a penalty not exceeding seventy-five rupees or five pounds, and to a daily penalty not exceeding seventy-five rupees or five pounds. 40

Appointment of a Power Board.

140. (1) For any purposes under this Ordinance, the Governor may appoint an advisory board (hereinafter referred to as the Power Board) to consist of not less than three nor more than seven members. Any appointment made to the Power Board may be cancelled by the Governor and shall be for such period as the Governor may think fit: 45

Provided that all members shall be officers of the Public Service. 50

(2) The Power Board shall meet at such times and for such purposes as the Governor may direct.

(3) At any meeting of the Power Board three of the members shall be present to form a quorum.

(4) The Director of Public Works or in his absence the Deputy Director of Public Works shall be a member of and shall be chairman of the Power Board. 55

(5) The Governor in Council may prescribe by Rules the procedure to be followed by the Power Board.

(6) No member of the Power Board shall have any immediate or prospective personal interest, directly or indirectly, in any application, business, or matter which has been referred to it for consideration and report. 60

141. Throughout this Ordinance and in any Regulations under it, marginal notes, titles or headings are inserted only for convenience in the perusal of the text; they shall not be judicially noticed, nor be of any force, value or effect in modifying the meaning of the text of the Ordinance or of Regulations under it. 65

A Bill

Intituled

An Ordinance to provide for the Registration of Firms and Persons carrying on Business under Business Names and for purposes connected therewith.

1. This Ordinance may be cited as the Registration of Business Names Ordinance, 1917. Short title.

2. In the construction of this Ordinance the following words and expressions shall have the meanings in this section assigned to them, unless there be something in the subject or context repugnant to such construction :— Interpretation of terms.

“Firm” shall mean an unincorporate body of two or more individuals, or one or more individuals and one or more corporations, or two or more corporations, who have entered into partnership with one another with a view to carrying on business for profit:

“Business” shall include profession:

“Individual” shall mean a natural person and shall not include a corporation:

15 “Christian name” shall include any forename:

“Initials” shall include any recognised abbreviation of a Christian name.

10 In the case of a peer or person usually known by a British title different from his surname, the title by which he is known shall be substituted in this Ordinance for his surname:

15 References in this Ordinance to a former Christian name or surname shall not, in the case of natural-born British subjects include a former Christian name or surname where that name or surname has been changed or disused before the person bearing the name had attained the age of eighteen years, and, in the case of a married woman, shall not include the name or surname by which she was known previous to the marriage:

20 References in this Ordinance to a change of name shall not include, in the case of natural-born British subjects, a change of name which has taken place before the person whose name has been changed has attained the age of eighteen years; or, in the case of a peer or a person usually known by a British title different from his surname, the adoption of or succession to the title:

25 “Business Name” shall mean the name or style under which any business is carried on, whether in partnership or otherwise:

30 “Foreign Firm” shall mean any firm, individual, or corporation whose principal place of business is situate outside His Majesty’s dominions:

35 “Showcards” shall mean cards containing or exhibiting articles dealt with, or samples or representations thereof:

“Prescribed” shall mean prescribed by rules made in pursuance of this Ordinance.

40 3. Subject to the provisions of this Ordinance :—

45 (a) Every firm having a place of business in the Protectorate and carrying on business under a business name which does not consist of the true surnames of all partners who are individuals and the corporate names of all partners who are corporations without any addition other than the true Christian names of individual partners or initials of such Christian names;

Firms and persons to be registered.

50 (b) Every individual having a place of business in the Protectorate and carrying on business under a business name which does not consist of a true surname without any addition other than his true Christian names or the initials thereof;

(c) Every individual or firm having a place of business in the Protectorate, who, or a member of which has either before or after the passing of this Ordinance changed his name, except in the case of a woman in consequence of marriage; shall be registered in the manner directed by this Ordinance; 5

Provided that:—

(i) where two or more individual partners have the same surname, the addition of an "s" at the end of that surname shall not of itself render registration necessary; and

(ii) where the business is carried on by a receiver or manager appointed by any Court registration shall not be necessary; and

(iii) a purchase or acquisition of property by two or more persons as joint tenants or tenants in common is not of itself to be deemed carrying on a business whether or not the owners share any profits arising from the sale thereof. 15

**Registration by nominee,
&c.**

4. Where a firm, individual, or corporation having a place of business within the Protectorate carries on the business wholly or mainly as nominee or trustee of or for another person, or other persons, or another corporation, or acts as general agent for any foreign firm, the first-mentioned firm, individual, or corporation shall be registered in manner provided by this Ordinance, and, in addition to the other particulars required to be furnished and registered, there shall be furnished and registered the particulars mentioned in the schedule to this Ordinance: 20

Provided that where the business is carried on by a receiver or manager appointed by any Court, registration under this section shall not be necessary.

**Manner and particulars
of registration.**

5. (1) Every firm or person required under this Ordinance to be registered shall furnish by sending by post or delivering to the registrar at the register office a statement in writing in the prescribed form containing the following particulars:— 30

(a) The business name;

(b) The general nature of the business;

(c) The principal place of the business; 35

(d) Where the registration to be effected is that of a firm, the present Christian name and surname, any former Christian name or surname, the nationality, and if that nationality is not the nationality of origin, the nationality of origin, the usual residence, and the other business occupation (if any) of each of the individuals who are partners, and the corporate name and registered or principal office of every corporation which is a partner; 40

(e) Where the registration to be effected is that of an individual, the present Christian name and surname, any former Christian name or surname, the nationality, and if that nationality is not the nationality of origin, the nationality of origin, the usual residence, and the other business occupation (if any) of such individual; 45

(f) Where the registration to be effected is that of a corporation, its corporate name and registered or principal office; 50

(g) Where the registration to be effected is that of a person of non-European origin the name of his father in addition to his own name;

(h) If the business is commenced after the passing of this Ordinance, the date of the commencement of the business. 55

(2) Where a business is carried on under two or more business names, each of those business names shall be stated.

**Statement to be signed
by persons registering.**

6. The statement required for the purpose of registration must in the case of an individual be signed by him, and in the case of a corporation by a director or secretary thereof, and in the case of a firm either by all the individuals who are partners, and by a director or the secretary of all corporations which are partners or by some individual who is a partner, or a director or the secretary of some corporation which is a partner, and in either of the last two cases must be verified by a statutory declaration made by the signatory: 60

Provided that no such statutory declaration stating that any person other than the declarant is a partner, or omitting to state that any person other than as aforesaid is a partner, shall be evidence for or against any such other person in respect of his liability or non-liability as a partner, and that the High Court or a judge thereof may on application of any person alleged or claiming to be a partner direct the rectification of the register and decide any question arising under this section. 70

7. The particulars required to be furnished under this Ordinance shall be furnished within fourteen days after the firm or person commences business, or the business in respect of which registration is required, as the case may be:

5 Provided that if such firm or person has carried on such business before the passing of this Ordinance or commences such business within two months thereafter, the statement of particulars shall be furnished after the expiration of two months and before the expiration of three months from the passing of 10 this Ordinance, and that if at the expiration of the said two months the conditions affecting the firm or persons have ceased to be such as to require registration under this Ordinance, the firm or person need not be registered so long as such conditions continue.

15 This section shall apply, in the case where registration is required in consequence of a change of name, as if for references to the date of the commencement of the business there were substituted references to the date of such change.

8. Whenever a change is made or occurs in any of the 20 particulars registered in respect of any firm or person such firm or person shall, within fourteen days after such change or such longer period as the Governor may, on application being made in any particular case, whether before or after the expiration of such fourteen days, allow, furnish by sending by post or delivery to 25 the registrar a statement in writing in the prescribed form specifying the nature and date of the change signed, and where necessary verified in like manner as the statement required on registration.

9. If any firm or person by this Ordinance required to furnish 30 a statement of particulars or of any change in particulars shall without reasonable excuse make default in so doing in the manner and within the time specified by this Ordinance, every partner in the firm or the person so in default shall be liable on conviction to a fine not exceeding seventy-five rupees for every day during 35 which the default continues, and the Court shall order a statement of the required particulars or change in the particulars to be furnished to the registrar within such time as may be specified in the order.

10. (1) Where any firm or person by this Ordinance required 40 to furnish a statement of particulars or of any change in particulars shall have made default in so doing, then the rights of that defaulter under or arising out of any contract made or entered into by or on behalf of such defaulter in relation to the business in respect to the carrying on of which particulars were required 45 to be furnished at any time while he is in default shall not be enforceable by action or other legal proceeding whether in the business name or otherwise:

Provided always as follows:—

(a) The defaulter may apply to the Court for relief against 50 the disability imposed by this section, and the Court, on being satisfied that the default was accidental, or due to inadvertence, or some other sufficient cause or that on other grounds it is just and equitable to grant relief, may grant such relief either generally, or as respects any particular contracts, on condition of the costs of the application being paid by the defaulter, unless the Court otherwise orders, and on such other conditions (if any) as the Court may impose, but such relief shall not be granted except on such service and such publication of notice of the application as the Court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the Court that, if this Ordinance had been complied with, he would not have entered into the contract;

(b) Nothing herein contained shall prejudice the rights of 65 any other parties as against the defaulter in respect of such contract as aforesaid;

(c) If any action or proceeding shall be committed by any other party against the defaulter to enforce the rights of such party in respect of such contract, nothing herein contained shall 70 preclude the defaulter from enforcing in that action or proceeding, by way of counterclaim set off or otherwise, such rights as he may have against that party in respect of such contract.

(2) In this section the expression "Court" means the "High Court" or a judge thereof:

.75 Provided that, without prejudice to the power of the High Court or a judge thereof to grant such relief as aforesaid, if any proceeding to enforce any contract is commenced by a defaulter in a subordinate Court, the subordinate Court may, as respects that contract, grant such relief as aforesaid.

Registration of changes in firm.

Penalty for default in registration.

Disability of persons in default.

Penalty for false statements.

11. If any statement required to be furnished under this Ordinance contains any matter which is false in any material particular to the knowledge of any person signing it, that person shall, on conviction, be liable to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding five hundred rupees, or to both such imprisonment and fine. 5

Duty to furnish particulars to the Governor.

12. (1) The Governor may require any person to furnish to him such particulars as appear necessary to the Governor for the purpose of ascertaining whether or not he or the firm of which he is partner should be registered under this Ordinance, or an alteration made in the registered particulars, and may also in the case of a corporation require the secretary or any other officer of a corporation performing the duties of secretary to furnish such particulars, and if any person when so required fails to supply such particulars as it is in his power to give, or furnishes particulars which are false in any material form, he shall on conviction be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine. 10 15 20

(2) If from any information so furnished it appears to the Governor that any firm or person ought to be registered under this Ordinance, or an alteration ought to be made in the registered particulars, the Governor may require the firm or person to furnish to the registrar the required particulars within such time as may be allowed by the Governor, but, where any default under this Ordinance has been discovered from the information acquired under this section, no proceedings under this Ordinance shall be taken against any person in respect of such default prior to the expiration of the time within which the firm or person is required by the Governor under this section to furnish particulars to the registrar. 25 30

Registrar to file statement and issue certificate of registration.

13. On receiving any statement or statutory declaration made in pursuance of this Ordinance the registrar shall cause the same to be filed, and he shall send by post or deliver a certificate of the registration thereof to the firm or person registering and the certificate or a certified copy thereof shall be kept exhibited in a conspicuous position at the principal place of business of the firm or individual, and if not kept so exhibited, every partner in the firm or the person, as the case may be, shall be liable on conviction to a fine not exceeding five hundred rupees. 35 40

Index to be kept.

14. At the register office the registrar shall keep an index of all the firms and persons registered at that office under this Ordinance.

Removal of names from register.

15. (1) If any firm or individual registered under this Ordinance ceases to carry on business, it shall be the duty of the persons who were partners in the firm at the time when it ceased to carry on business or of the individual or if he is dead personal representative, within three months after the business has ceased to be carried on, to send by post or deliver to the registrar notice in the prescribed form that the firm or individual has ceased to carry on business, and if any person whose duty it is to give such notice fails to do so within such time as aforesaid, he shall be liable on conviction to a fine not exceeding five hundred rupees. 45 50

(2) On receipt of such a notice as aforesaid the registrar may remove the firm or individual from the register. 55

(3) Where the registrar has reasonable cause to believe that any firm or individual registered under this Ordinance is not carrying on business he may send to the firm or individual by registered post a notice that, unless an answer is received to such notice within one month from the date thereof, the firm or individual may be removed from the register. 60

(4) If the registrar either receives an answer from the firm or individual to the effect that the firm or individual is not carrying on business or does not within one month after sending the notice receive an answer, he may remove the firm or individual from the register. 65

16. (1) Where any business name under which the business of a firm or individual is carried on contains the word "British" or any other word which, in the opinion of the registrar, is calculated to lead to the belief that the business is under British ownership or control, and the registrar is satisfied that the nationality of the persons by whom the business is wholly or mainly owned or controlled is at any time such that the name is misleading, the registrar shall refuse to register such business name or, as the case may be, remove such business name from the register, but any person aggrieved by a decision of the registrar under this provision may appeal to the Governor whose decision shall be final.

Misleading business names.

- (2) The registration of a business name under this Ordinance shall not be construed as authorizing the use of that name if apart from such registration the use thereof could be prohibited.

17. The registrar of companies or such other person as the Governor may determine shall be registrar for the purposes of this Ordinance.

18. At any time after the expiration of six months from the passing of this Ordinance or of such longer period, not being more than nine months from the passing of this Ordinance, as the Governor may by order direct, any person may inspect the documents filed by the registrar on payment of such fees as may be prescribed not exceeding one rupee for each inspection; and any person may require a certificate of the registration of any firm or person, or a copy of or extract from any registered statement to be certified by the registrar or assistant registrar, and there shall be paid for such certificate of registration, certified copy, or extract such fees as may be prescribed not exceeding two rupees for the certificate of registration, and not exceeding fifty cents for each folio of seventy-two words, of the entry, copy, or extract.

A certificate of registration, or a copy of or extract from any statement registered under this Ordinance, if duly certified to be a true copy or extract under the hand of the registrar (whom it shall not be necessary to prove to be the registrar), shall, in all legal proceedings, civil or criminal, be received in evidence.

Inspection of statements registered.

19. (1) The Governor may make rules concerning any of the following matters:—

Power for Governor to make rules.

- (a) The fees to be paid to the registrar under this Ordinance, so that they do not exceed the sum of five rupees for the registration of any one statement;
- (b) The forms to be used under this Ordinance;
- (c) The duties to be performed by any registrar under this Ordinance;
- (d) The performance by assistant registrars and other officers of acts by this Ordinance required to be done by the registrar;
- (e) Generally the conduct and regulation of registration under this Ordinance, and any matters incidental thereto.

- 55 20. (1) After the expiration of three months from the passing of this Ordinance every individual and firm required by this Ordinance to be registered shall, in all trade catalogues, trade circulars, showcards, and business letters, on or in which the business name appears and which are issued or sent by the individual or firm to any person in any part of His Majesty's dominions, have mentioned in legible characters:—

Publication of true names, &c.

- (a) in the case of an individual, his present Christian name or the initials thereof and present surname, any former Christian name or surname, his nationality if not British, and if his nationality is not his nationality of origin his nationality of origin; and
- (b) in the case of a firm, the present Christian names or the initials thereof and present surnames, any former Christian names and surnames, and the nationality if not British, and if the nationality is not the nationality of origin the nationality of origin of all the partners in the firm or, in the case of a corporation being a partner, the corporate name.

- (2) If default is made in compliance with this section the individual or, as the case may be, every member of the firm shall be liable on conviction for each offence to a fine not exceeding seventy-five rupees.

21. Where a corporation is guilty of an offence under this Ordinance every director, secretary, and officer of the corporation who is knowingly a party to the default shall be guilty of a like offence and liable to a like penalty.

Offences by corporations.

SCHEDULE.

Description of Firm, &c.	The additional particulars.
<p>Where the firm, individual, or corporation required to be registered carries on business as nominee or trustee.</p>	<p>The present Christian name and surname, any former name, nationality, and, if that nationality is not the nationality of origin, the nationality of origin, and usual resident, or, as the case may be, the corporate name, of every person or corporation on whose behalf the business is carried on: Provided that if the business is carried on under any trust and any of the beneficiaries are a class of children or other persons, a description of the class shall be sufficient.</p>
<p>Where the firm, individual, or corporation required to be registered carries on business as general agent for any foreign firm.</p>	<p>The business name and address of the firm or person as agent for whom the business is carried on: Provided that if the business is carried on as agent for three or more foreign firms it shall be sufficient to state the fact that the business is so carried on, specifying the countries in which such foreign firms carry on business.</p>

A Bill

Intituled

An Ordinance to amend the Compulsory Service Ordinance, 1915.

1. This Ordinance may be cited as "The Compulsory Service Short title
Amendment Ordinance, 1917," and shall be construed with the
Compulsory Service Ordinance, 1915, hereafter referred to as the
Principal Ordinance.
- 5 2. (1) No person of European or Asiatic origin who at the Employees not to leave
date of the enactment of this Ordinance is engaged or who may at any time thereafter be engaged in any employment as an employee
shall leave such employment without the consent of his employer.
Provided that in the event of an employer's consent being
10 unreasonably withheld the employee may appeal to the District
Committee of the District in which the trade, business or occupation
in which he is employed is situated and such District Committee
may give the employee permission to leave his employment and
provided that in the event of the District Committee refusing such
15 permission the employee may appeal from the decision of the
District Committee to the War Council whose decision shall be final.
- (2) No person who has undertaken to perform work or
supervision otherwise than as an employee for or on behalf of any
20 person serving in any military corps formed in the Protectorate shall
enlist or accept service in any military corps whether formed under
the provisions of the Principal Ordinance or not or shall abandon or
cease to perform such work or supervision without the sanction of
the District Committee. Such sanction may be given on such terms as
25 the District Committee may think fit. Provided that if such
sanction is refused the person applying for such sanction may
appeal to the War Council whose decision shall be final. Any
person who performs such work or supervision negligently shall be
deemed to have committed a breach of the provisions of this
Ordinance.
- 30 3. (1) Where an employee is discharged or dismissed by his
employer or the employee otherwise leaves his employment in
accordance with the provisions of this Ordinance the employer shall
forthwith give him a certificate that he is free to accept
employment. Issue of certificates that
bearer is free to accept
employment.
- 35 (2) If any person complains to a District Committee that
an employer has unreasonably refused or neglected to issue a
certificate as aforesaid the District Committee may after inquiry
into the case if it thinks fit itself issue such a certificate or order
the issue of such a certificate by the employer.
- 40 (3) A District Commissioner may issue a certificate as
aforesaid to any person who has not heretofore been in employment
in the Protectorate or to any person who is out of employment and
has been out of employment since the 2nd day of May, 1917.
- 45 4. No person shall give employment to any person unless he holds a certificate that he is free to accept employment from the
employer by whom he was last employed or from a District
Committee or a District Commissioner. Restrictions on
employment of persons
without a certificate.
- 50 5. Nothing in this Ordinance contained shall be deemed to limit or affect the power of the War Council at any time to select
any male employee for military service in accordance with the
provisions of section 5 of the Principal Ordinance. Saving.
- 55 6. No male person being a British subject of European origin
between the ages of 18 and 45 shall leave the Protectorate without
the leave of the President of the War Council. Permits to leave the
Protectorate.
7. Section 14 (1) of the Principal Ordinance is hereby Repeal.
repealed.
8. Any person committing a breach of the provisions of this
Ordinance shall on conviction be liable to a fine not exceeding
Rs. 3,000/- or to an imprisonment of either description for a period
not exceeding 6 months or to both. Penalty.
- 60 9. This Ordinance shall remain in operation during the course
of the present war. Duration of Ordinance.