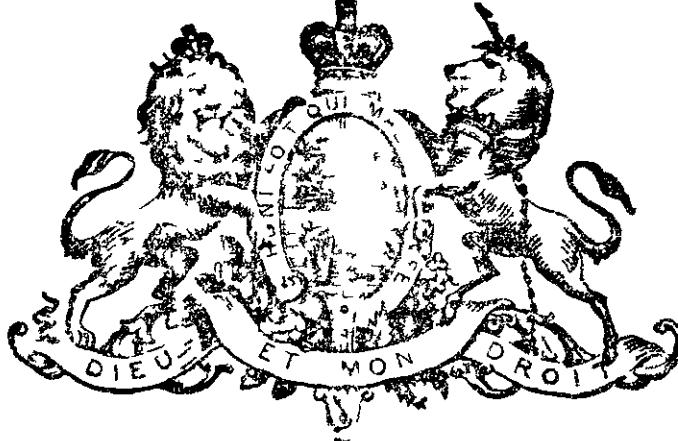


THE
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OF THE

EAST AFRICA PROTECTORATE.

Published under the authority of His Excellency the Governor of East Africa.

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NOTICE.

COPIES of Ordinances and Regulations, Volume XX, 1918, can be obtained from the Government Press — Price 7/50 per copy

ARRIVALS.

Name	Rank	From leave or on 1st Appointment	Date of leaving England	Date of Embarcation	Date of arrival at Kilindini
H R McClure	District Commissioner	Leave	Feb 28th, 1920	Feb 28th, 1920	Mar 31st, 1920
H Pickwoad	Treasury Officer	"	" 28th "	" 28th "	" 31st "
R W B Robertson	Superintendent of Police	"	" 28th "	" 28th "	" 31st "
Eustace		"			
R C Wheeler	Veterinary Officer	"	" 28th "	" 28th "	" 31st "
V G L Van Someren	Government Dental Surgeon	"	" 28th "	" 28th "	" 31st "
H R Harris	Land Office Assistant	"	" 28th "	" 28th "	" 31st "
Col T O Fitzgerald	K A I	"	" 28th "	" 28th "	" 31st "
W Griffiths	Asst Engineer, Post Office	1st appointment	" 28th "	" 28th "	" 31st "
J Finch	2nd Grade Gaoler	Leave	" 22nd "	" 22nd "	April 3rd "
J L M Ogden	Head Clerk Police Dept	1st appointment	" 27th "	" 27th "	" 31st "
W J Phillips	Clerk, Agricultural Dept	"	" 27th "	" 27th "	" 31st "

DEPARTURES.

Name	Rank	On leave or termination of appointment	Date of Departure
C W Gregory, M B L	Chief Storekeeper P W D	Leave	April 4th, 1920
G F W Hartnell	Chief Mechanical Engineer, Uganda Rly	"	March 30th "
W J McJannet	Assistant Engineer, Uganda Rly	"	" 30th "

EAST AFRICA PROTECTORATE.

AN ORDINANCE

No 15 OF 1920

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.

[30th March, 1920] Date of Assent and Commencement

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SCHEDULE

(*Forms of Accounts to be kept by a Licensee*)

BE it enacted by the Governor of the East Africa Protectorate with the advice and consent of the Legislative Council thereof —

Short title.

1 This Ordinance may be cited as the "Electric Power Ordinance, 1919"

Definitions

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

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

"Authorized Distributor" means a public or local authority, company person or body of persons licensed by a Distributing Licence to distribute or supply electrical energy for public or private purposes, such 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 Authorized Distributor

"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 Authorized Distributors under a Bulk Supply Licence

"Bulk Supply Licence" means a Licence authorizing 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 Authorized Distributors within the area defined therein

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

"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

"Consumer" means any public or local authority, company, person or body of persons supplied or entitled to be supplied with electrical energy by a Licensee

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

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

"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

"Distributing Area" means the area within which the Authorized 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, person or body of persons, 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

"Earthed" 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

"General Supply" means the general supply of electrical energy to ordinary consumers, and includes, unless otherwise specially agreed with the local authority, the general supply of electrical energy for public purposes, where the local authority are not themselves the Licensees, but shall not include the supply of electrical energy to any one or more particular consumers under special agreement

"Generating Station" means any station or works for generating, transforming, converting or distributing electrical energy

"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, person or body of persons 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, person or body of persons 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 municipal local authority constituted under the provisions of the Municipal Ordinance, 1909, or any Ordinance amending the same

"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, railways, 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" means an electrical system in which the electric supply lines, conductors, or other apparatus used or which may be used for conveying, transmitting, transforming, distributing, or supplying electrical energy are placed above ground and in the open air, and shall include any portions of a system so placed above ground and in the open air, excepting within premises in the sole occupation or control of the Licensee, and excepting so much of any service line as is necessarily so placed for the purpose of supply "Overhead System" includes an "Aerial line" as defined in the Electric Supply Line Ordinance, 1914

"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-hundredth of full size, or to such other scales as 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 consumer's terminals at which the supply of electrical energy by the Bulk Supply Licensee shall be made, effected, delivered, or made available to any Authorized Distributor and approved by the Governor

"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

"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 the Government or any Department or Branch of the Government of the Protectorate

"Public Purposes" 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

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

"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

"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

"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

"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

"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

"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 Licence or Prior Licence

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

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

(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

(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 Regulations made by the Governor-in-Council, under 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

Application of Ordinance

Prior Licensee
Application of Ordinance
to persons authorized to
supply electrical energy
by concessions or agree-
ments before the enact-
ment of this Ordinance

Area or privileges of
Prior Licensee cannot be
extended

Existing works of Prior
Licensee subject to
Ordinance and Regula-
tions

New works of Prior
Licensee entirely subject
to this Ordinance

Prior Licensee to apply for Licence under Ordinance within 6 months of enactment

Failing such application another Licensee may be authorized to acquire compulsorily Works of Prior Licensee

Terms of Purchase of Prior Licensee's Works on compulsory sale

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

Restrictions as to generation supply and 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

Authorized Distributor only may receive Bulk Supply

to the provisions of this Ordinance and to any Regulations made by the Governor-in-Council

(d) Every Prior Licensee shall before the expiration of a period of six months after the enactment of this Ordinance make application to the Governor-in-Council in the manner herein provided for a Distributing Licence or Distributing Licences, as may be required, for the area of supply named in or defined by his Prior Licence, and for a Local Generating Licence for any generating station of such Prior Licensee, from which the electrical energy for the purposes of his Prior Licence is obtained, and the Governor-in-Council may grant or refuse any such application

(e) Where any Prior Licensee fails to make application for the Licence or Licences as in (d) of this sub-section provided, or where the Governor-in-Council refuses such application the Governor-in-Council may by any Licence or Licences granted authorize any Licensee named therein forthwith to acquire compulsorily the works of the Prior Licensee under his Prior Licence

(f) In any case where the Governor-in-Council so authorises a Licensee forthwith to acquire compulsorily the works of a Prior Licensee the price or money to be paid to the Prior Licensee in respect of such works or of compensation (if any) shall be determined in the manner described in (c) of sub-section (4) of section 34, as if the Prior Licensee was the Local Generating Licensee, and the Licensee so authorised forthwith to acquire compulsorily the works of the Prior Licensee was the Bulk Supply Licensee, named therein, provided that in construing the provisions of (c) of the said sub-section (4) of section 34, to apply to the works of a Prior Licensee the works of the Prior Licensee other than generating works used by him for the purposes of transmitting, distributing, and supplying electrical energy shall be valued as to their suitability for the purposes of the Prior Licence without any compensation in respect of depreciation as mentioned in the aforesaid (c) of sub-section (4) of section 34

(g) Upon the granting of a Licence under this Ordinance to a Prior Licensee in respect of any area or any part 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

(3) In any provisions of this Ordinance, or in any Regulations under this Ordinance relating to any of the matters comprised in (b) and (c) of sub-section (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

4 After the enactment of this Ordinance the following restrictions as to the generation, transmission and supply of electrical energy, and as 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, person or body of persons, not being a Licensee under this Ordinance,

(i) may supply electrical energy to any other such authority, company, person or body of persons on sale or for any other consideration, or

(ii) may erect, lay, construct or maintain any electric supply line for the supply of electrical energy to any other such authority, company, person or body of persons, or 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 authority of the Governor-in-Council

(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

(d) No public or local authority, company, person or body of persons 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

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

Exemption for locomotives and vehicles and portable lighting

5 Every application for a Licence, or for any authority consent or approval under this Ordinance and every objection to the grant of any such Licence, authority, consent, or approval or any representation to be made to the Governor-in-Council with respect to any matter under this Ordinance, shall be made in the manner hereafter prescribed in that behalf

Applications to be made in the manner hereafter prescribed

6 Where two or more applicants make applications to the Governor-in-Council for Licences under this Ordinance for the supply of electrical energy for the same area and one of such applicants is a 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

Applications of public or local authority to have precedence over others

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-in-Council, after enquiry as hereinafter provided, may deal with such application or applications as he sees fit, provided that notwithstanding the purpose and intention of this Ordinance as expressed in this section nothing contained in this Ordinance or in any Licence or Prior Licence shall be deemed or construed to hinder or restrict the powers of the Governor-in-Council to grant, if the necessity arises, and having due regard to the said purpose and intention as expressed in this section, any other Licences under this Ordinance, in respect of the area (if any) or any part of the area (if any) named or defined in any such Licence or Prior Licence

Provision re application for Licence for area within limits of economical transmission from existing works

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

Bulk Supply Licensee may obtain other Licences

9 (1) After the enactment of this Ordinance a Prior Licensee shall not in any case by transfer or subject to the provisions of section 3 or the termination of his Prior Licence otherwise divest himself of any of the powers, rights, or obligations conferred or imposed upon him by his Prior Licence and a Licensee shall not by transfer or otherwise divest himself of any of the powers, rights, or obligations conferred or imposed upon him by this Ordinance or by his Licence otherwise than under and in accordance with a provision contained in the Licence authorizing such a divestiture

Prior Licence may not be transferred

(2) Where any Licence is authorized to be transferred any money to which the Licensee shall be entitled or shall receive or which may be paid to him on or for the transfer of such Licence shall not exceed the amount of his reasonable expenses in obtaining the Licence as may be decided by the Governor-in-Council

Licence may be transferred only if authorized in the Licence

(3) Where any Licence is authorized to be transferred any money to which the Licensee shall be entitled or shall receive or which may be paid to him in respect of the purchase of his works under the Licence and any matter relating to the sale or purchase of any such works shall be subject to the provisions of this Ordinance

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

Grant of 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 date named in a Bulk Supply Licence for its termination, make application to the Governor-in-Council for a renewal of such Bulk Supply Licence, provided that such application shall be made not less than three years before the date named for the termination of the Licence

Period of Bulk Supply Licence

Renewal of 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

Local Authorities may operate Bulk Supply Licences outside their districts

(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

Bulk Supply only to Authorized Distributors

(5) A Bulk Supply Licence under this Ordinance for the supply of electrical energy shall convey and secure to the Licensee the 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, and may state the limits within which and the conditions under which the supply of electrical energy by the Licensee shall be compulsory or permissive

Matters to be considered in defining Bulk Supply area

(6) In prescribing a Bulk Supply area, the Governor-in-Council 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

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

11 (1) Where any demand is made by an Authorized Distributor, or otherwise where the Bulk Supply Licensee is authorized by the Governor-in-Council to give a supply of electrical energy, the Bulk Supply Licensee within a reasonable time or within such time as may be stated in the Licence or as may be authorized by the Governor-in-Council as provided for by section 125, 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

(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-in-Council 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

Provided that in the notice the Bulk Supply Licensee shall not without the authority of the Governor-in-Council 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

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

(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-in-Council 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-in-Council 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, as the case may be, 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

(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-in-Council may approve after the service of the demand upon him, appeal to the Governor-in-Council, and the Governor-in-Council, 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-in-Council 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-in-Council may approve after the decision of the Governor-in-Council

(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-in-Council 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 *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-in-Council 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-in-Council, with the advice and consent of the Legislative Council, may undertake in

Conditions as to further use of works installed subject to agreement for supply to a particular Authorized Distributor

Provision enabling Governor to provide electric supply lines or meet or guarantee charges for same by loan or grant

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

Bulk Supply Licensee responsible for supply lines

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 point 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

Bulk Supply Licensees may require agreement to take supply of certain minimum for 2 years

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-in-Council 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 Kelvin 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-in-Council may approve

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

17 (1) 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 Regulations 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 Regulations under this Ordinance

(2) Whenever the Bulk Supply Licensee makes default in supplying electrical energy in accordance with the terms of the Regulations he shall be liable to such penalties as are prescribed by the Regulations in that behalf

Distributing Licence for local area

18 (1) The Governor-in-Council may grant a Distributing Licence to any public or local authority, company, person, or body of persons, 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 and may state the limits within which and the conditions under which the supply of electrical energy by the Licensee shall be compulsory or permissive

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

(3) A Distributing Licence may be for any period whether limited or unlimited

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 —

(a) At least six months preceding the expiration of a period of twenty-five 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 five years, or such shorter period as is specified in that behalf in the Distributing Licence, such local authority shall make application to the Governor-in-Council 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, the applicant shall serve copies of such applications upon the Authorized Distributor, together with such further particulars as the Governor-in-Council may direct.

Local authority may apply for Licence

(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-in-Council thinks fit.

Application shall 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 local authority, the Governor-in-Council may grant such applications on such terms and conditions as he thinks fit.

Application may be granted in certain cases

(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-in-Council may with the consent of the Authorized Distributor permit such division and grant the applications of the local authority. (For the purposes of this section the area of supply shall in the case of the area of a local authority included in the area defined in any Prior Licence be deemed to be the local area of the local authority and any area adjacent thereto which could reasonably be included in the distributing area of the local authority on the granting of a Distributing Licence.)

Application entailing the division of an area of supply

(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-in-Council and serve a notice upon the local authority stating such objection and specifying the division (if any) which he desires, and the Governor-in-Council may uphold or disallow such objection of the Authorized Distributor with such modifications or conditions as he thinks fit.

Objection by Authorized Distributor to division of area of supply

(f) If the Authorized Distributor is dissatisfied with the decision of the Governor-in-Council he may make a representation to the Governor-in-Council and serve a notice upon the local authority, that he desires the revocation of his Distributing Licence as to the whole area of supply.

Authorized Distributor objecting to division of area may apply for revocation of his Licence as to whole of area

(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-in-Council shall refuse the applications of the local authority and of the Authorized Distributor.

Local authority to amend applications to meet conditions or Governor shall refuse applications

(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-in-Council 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.

Consumers to be in no case prejudiced

(i) Where the application by a local authority for a Distributing Licence is granted by the Governor-in-Council 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 stock, 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.

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

(j) Subject to the provisions of (h) of this section, in any case where the supply of electrical energy for the purposes of the Distributing Licence of the Authorized Distributor is obtained under a Local Generating Licence held by such Authorized Distributor on the granting or the application of the local authority the following provisions shall apply as to the works under the Local Generating Licence —

- (i) If the supply of electrical energy for the purposes of the Distributing Licence of the Authorized Distributor and of the local authority can be provided by a Bulk Supply Licensee under any of the provisions of this Ordinance notwithstanding the provisions of (b) (i) of sub-section (4) of section 34 as to the periods at which the Bulk Supply Licensee may apply for the revocation of the Local Generating Licence and purchase the works of the Local Generating Licensee the Bulk Supply Licensee shall purchase the works under the Local Generating Licence and give a supply of electrical energy to the Authorized Distributor and to the local authority subject to the provisions of sub-section (4) of section 34 and to any other Authorized Distributors subject to the provision in its behalf contained in this Ordinance or the Bulk Supply Licence
- (ii) Where a supply of electrical energy under a Bulk Supply Licence cannot be made available as in (i) (i) of this section contemplated, and where the granting of the application of the local authority does not entail the division of the area of supply of the Authorized Distributor as defined in the Distributing Licence, or where the Local Generating Licensee agrees to sell such works the local authority shall on the grant of the application purchase the works under the Local Generating Licence as if such local authority was the Bulk Supply Licensee referred to in (i) (i) of this section and the revocation of the Local Generating Licence and the price to be paid by such local authority in respect of the purchase of the said works and in respect of compensation (if any) for depreciation shall be effected and determined in the manner prescribed in this behalf in (b) and (c) of sub-section (4) of section 34 as if the local authority was making the purchase for the purposes of a Bulk Supply Licence
- (iii) Where a supply of electrical energy under a Bulk Supply Licence cannot be made available as in (i) (i) of this section contemplated and where the granting of the application of the local authority entails the division of the area of supply as defined in the Distributing Licence of the Authorized Distributor, the Local Generating Licensee being also an Authorized Distributor shall on the grant of the application of the local authority give a supply of electrical energy to the other Authorized Distributor operating in the area of supply so divided as aforesaid for the purposes of the Distributing Licence of such other Authorized Distributor, from the works under his Local Generating Licence or under his Distributing Licence as may be necessary or desirable for the purpose on such terms and conditions and for such price or prices as may be agreed upon between the Local Generating Licensee and such other Authorized Distributor or failing such agreement as may be determined by an arbitrator in the manner prescribed in (c) (vi) and (c) (vii) of sub-section (4) of section 34

Power to vary terms of sale contained in last section

20 Notwithstanding anything in the 1st preceding section or in section 134 hereof contained, the Governor in Council 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, in such manner as may have been agreed upon between such local authority and the Authorized Distributor

21 (1) Where the Licensee is the Authorized Distributor for any distributing or local area not comprised in or not comprising the area of any township and any requisition or demand for a supply of electrical energy is served upon the Authorized Distributor, the provisions of section 11 to 17, inclusive shall apply and the necessary modifications shall be made to make such applications effective with respect to the matters provided for in the said sections, in substitution for the provisions contained in sub-section (2) of this section and in sections 22, 23, 24, 25, 26 and in sub-sections (1), (2), (3), (4) of section 27.

(2) Where the Licensee is the Authorized Distributor for any distributing or local area comprised in or comprising the area of any township, the following provision shall have effect —

(a) The Authorized Distributor shall, within a period of two years or such other period as may be set out in the Distributing Licence after the commencement of the Distributing Licence, or as may be authorized by the Governor-in-Council as provided for by section 125, 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.

(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.

(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-in-Council.

(d) Where any requisition is made in respect of any street which the Authorized Distributor is not specially authorized to break up or enter 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-in-Council 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-in-Council refuses his consent in that behalf.

22 Where a public or local authority is not the Authorized Distributor, the Authorized Distributor shall, within twenty-eight days or such other period as the Governor-in-Council 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 within that period any two or more of those owners or occupiers require in accordance with the provisions of the Distributing Licence that 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.

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 for each day during which the default continues and if the Governor-in-Council 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.

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

As to laying of electric
lines under special agree-
ment

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

(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-in-Council may deal with the Distributing Licence in manner provided by this section

(3) Where the Governor-in-Council 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

Provided that the Governor-in-Council 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-in-Council shall not under this section revoke the Distributing Licence otherwise than as to the whole of the area of supply

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

(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

(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

Provisions on requisition by owners or occupiers

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-in-Council 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-in-Council, 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-in-Council 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-in-Council 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-in-Council may approve after the service of the requisition upon him, appeal to the Governor-in-Council and the Governor-in-Council, 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-in-Council 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-in-Council may approve after the decision of the Governor-in-Council.

(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-in-Council 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-in-Council 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.

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 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 lines 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 fifty feet from any distributing main of the Authorized Distributor, although not on that property, shall if the Authorized Distributor so requires, be defrained 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

*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*

" If I am by the Authorised 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 or such an amount that the payment to be made for the supply, at the rate of charge for the time being charged by the Authorised Distributor for a supply of electrical energy to ordinary consumers within the area of supply shall not be less than seven per centum per annum on the cost incurred by the Authorised 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 Authorised 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 Authorised Distributor.

(c) In any case where any electric supply has been required under this section to be provided by the Authorised Distributor have been laid or erected for a period of two years the Authorised Distributor shall not be entitled to demand that any owner or occupier shall enter into a written contract except that every owner or occupier of premises requiring a supply of electrical energy shall, subject to the terms as to notice to the provisions of section 29 and to the provisions of this Ordinance enter into a written contract with the Authorised Distributor if required by him to do so, as to the conditions of and the price to be paid for any supply being made or to be made.

(d) Notwithstanding anything contained in this section, or in any provisions substituted for those contained in this section, the owner or occupier of any premises having a supply of electrical energy from any other source shall not be entitled to demand or to continue to receive a supply of electrical energy from an Authorised Distributor, unless he has agreed with the Authorised Distributor if required by him to do so, to pay such minimum annual sum as will give the Authorised Distributor a reasonable return on the capital expenditure and will cover other standing charges incurred by him, in order to meet the possible maximum demand for the premises of such owner or occupier. In default of agreement the sum to be so paid shall be determined by arbitration.

(3) 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 Authorised Distributor for any purpose, 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 Authorised Distributor, the Authorised 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.

(4) Provided also, that the Authorised 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 Authorised Distributor or by other persons.

(5) 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 with which any consumer shall be entitled to be supplied shall be of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the maximum consumption on his premises.

Provided that where any consumer has required the Authorised 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 Authorised Distributor, and any expenses reasonably incurred by the Authorised 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 Authorised Distributor upon those premises, consequent upon the alteration, shall be paid by him to the Authorised Distributor and may be recovered as a civil debt summarily.

(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.

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 a premises may require the Authorized Distributor to supply electrical energy to such premises, whichever shall first occur.

Notice to be given to Licensee before removing

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges for electrical energy.

Provided that nothing in this section shall invalidate any agreement entered into between the Authorized Distributor and an consumer as to the period for which a supply of electrical energy shall be taken by such consumer.

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 man of the Authorized Distributor in view of the time being required to maintain a supply of electrical energy for the purposes of supply under the Distributing Licence, or the 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.

Supply of energy to public lamps

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 means, 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

32 (1) Subject to any agreement which may be entered into between an Authorized Distributor and a consumer as provided for by section 70 and approved of in writing by the Governor 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 for each day or part of a day on which the default occurs.

Penalty for failure to supply

(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 Distributing Licence, the Authorized Distributor shall be liable in respect of each default to a penalty not exceeding five rupees for each lamp, and for each day on which the default occurs.

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.

(3) Whenever the Authorized Distributor makes default in supplying electrical energy in accordance with the terms of the 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 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

Local Generating Licence

53 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

**Local Generating Licence
As to applications for
Licence for local area
within or adjacent to
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-in-Council the supply of electrical energy to the local area in question may appropriately be provided by the Bulk Supply Licensee, the Governor-in-Council 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

**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 in Council 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-in-Council may also order that the Bulk Supply Licensee 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 Regulations made in that behalf

**Grounds on which Local
Generating Licence may
be refused**

(3) If and where the Governor-in-Council 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 in Council 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 in Council may order that the supply shall be taken from the Bulk Supply Licensee provided that the price of the supply by the Bulk Licensee per Kelvin 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 in-Council, the price he has named in his estimate or tender

**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 in Council 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 in Council 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 in Council may grant such Local Generating Licence for any period whether limited or unlimited, subject to the following conditions

- (a) (i) Where the distributing area being or to be supplied from the generating station of a Local Generating Licensee is situated outside the area defined in any Bulk Supply Licence and any application is made to the Governor-in-Council for a Bulk Supply Licence or for a Local Generating Licence for any area within the limits of economical transmission from the Generating Station of the Local Generating Licensee, as referred to in section 7, and in the opinion of the Governor-in-Council the situation of the Generating Station of the Local Generating Licensee is suitable for the generation of the supply of electrical energy for the purpose of the applicant, it shall be incumbent on the Local Generating Licensee within the time specified in that behalf in the public notice of the application, or within thirty days after having received notice in that respect from the Governor-in-Council to make a representation to the Governor-in-Council stating his intention of making application for a Bulk Supply Licence for an area to include the area referred to in the application for a Bulk Supply Licence or for a Local Generating Licence as the case may be, or alternatively, stating his objection and the reason for his objection to the notice of the Governor-in-Council
- (ii) The Governor-in-Council after such enquiry as he thinks fit, shall decide either to uphold the Local Generating Licensee's objection to the notice, or shall refuse to uphold such objection and shall notify the Local Generating Licensee accordingly, when the Local Generating Licensee may within thirty days from the date of such notice make a further representation to the Governor-in-Council, stating his intention of making an application for a Bulk Supply Licence for an area to include the area referred to in the application for a Bulk Supply Licence or for a Local Generating Licence as the case may be
- (iii) Where the Local Generating Licensee so notifies his intention to make such application for a Bulk Supply Licence he shall at the same time deposit with the Governor the sum of three hundred and seventy-five rupees in earnest of his intention of making such application, which shall be made in the manner herein prescribed within ninety days of the receipt by the Governor-in-Council of such notification. If the Local Generating Licensee fails to make such application within the time specified, the deposit so made shall be forfeited to the Government of the Protectorate
- (iv) Where the Local Generating Licensee so fails as aforesaid, to make such application, the Governor-in-Council shall proceed to consider the application for a Bulk Supply Licence or for a Local Generating Licence as the case may be and in any Bulk Supply Licence which may be granted may give the Bulk Supply Licensee named therein power compulsorily to acquire forthwith the works of such Local Generating Licensee under the Local Generating Licence
- (v) Before so granting any such powers to a Bulk Supply Licensee to acquire compulsorily any works of a Local Generating Licensee the application of the applicant for a Bulk Supply Licence and for the revocation of the Local Generating Licence shall be made in the manner herein provided
- (b) (i) Where the distributing area being supplied from the generating station of a Local Generating Licensee is situated within the area defined in a Bulk Supply Licence, the Bulk Supply Licensee may within six months after the expiration of a period of five years from the date of the Local Generating Licence, or such other period as is specified in that behalf in the Local Generating Licence, or within six months after the expiration of every subsequent period of

three years or such other period as is specified in that behalf in the Local Generating Licence, make application to the Governor in Council for the revocation of the Local Generating Licence in the manner herein provided. In addition to the notices required to be given under this Ordinance the Bulk Supply Licensee shall serve copies of the notice and of the application upon the Local Generating Licensee.

- (ii) If the Governor-in-Council is satisfied that the consumers in the distributing area and in any other area concerned, will not be unduly prejudiced by the grant of the application the Governor-in-Council shall revoke the Local Generating Licence.

- (c) Where under the provisions of this sub-section, the Governor-in-Council revokes a Local Generating Licence the Bulk Supply Licensee shall purchase the works under the Local Generating Licence. The price to be paid in respect of such purchase and the compensation (if any) to be paid to the Local Generating Licensee and the price to be paid by the Authorized Distributor, being the Local Generating Licensee to the Bulk Supply Licensee making the purchase for the supply of electrical energy by such Bulk Supply Licensee shall be determined by an arbitrator who for the purposes of this section shall be approved by the Governor-in-Council subject to the following conditions —

- (i) The price to be paid for such works shall be their fair market value at the time of the 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 a condition as to be ready for immediate working and to the suitability of such works or any of them for any of the purposes of the Bulk Supply Licence subject to the provisions as to land contained in sub-section (1) and to the provisions of sub-section (2) of section 134.

- (ii) Where any claim is made by the Local Generating Licensee for compensation in respect of the compulsory purchase such claim may be in respect of the loss of capital expended on the works under the Local Generating Licence incurred or which may be incurred by any depreciation of the value of the said works or any of them due to the unsuitability of any of them for the purposes of the Bulk Supply Licence because of conditions or circumstances not reasonably in the control of the Licensee as the Local Generating Licensee or as the Authorized Distributor (but not because of depreciation due to any other cause) or in respect of a reasonable profit on the capital expended on the works under the Local Generating Licence to the date of purchase, but not in respect of goodwill or of any other profits which may or might have been made from the works under the Local Generating Licence except in so far as any such profits would if made have represented or been a reasonable profit as aforesaid on the capital expended on such works to the date of purchase as aforesaid.

- (iii) In considering any such claim or any part of any such claim the arbitrator shall have regard to the circumstance as to whether and to what extent the depreciation from any cause as aforesaid of the value of any works under the Local Generating Licence has been caused by or is due to any condition or circumstance which was or could reasonably be considered to have been within the control of the Licensee under the Local Generating Licence or under the Distributing Licence and to the circumstance as to whether and to what extent (if at all) the failure to obtain a reasonable profit on the capital expended or the failure to show in the statements of accounts under the Local Generating

Licensee a reasonable profit on the capital expended on the works under the Local Generating Licence has been caused by or is due to any condition or circumstance which was or could reasonably be considered to have been within the control of the Licensee under the Local Generating Licence or under the Distributing Licence

- (iv) If the arbitrator considers that the depreciation in respect of which the claim is made has been caused by or is due to any condition or circumstance as contemplated in (c) (iii) of this sub-section he shall not award any compensation in respect of such claim but if he considers that such depreciation has not been caused by or is not due to or has been caused only in part by or is due only in part to any such condition or circumstance as aforesaid he may, with due regard to the extent to which (if at all) the depreciation in respect of which the claim is made has been so caused or is due as aforesaid, award such sum as compensation in respect of such claim as he thinks fit provided that any sum so awarded shall not exceed the amount of the difference between the fair market value of such works or any of them at the time of the purchase, having due regard 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 a condition as to be ready for immediate working and to the suitability of the same for the purposes under the Local Generating Licence, and the sum or valuation paid or to be paid in respect of such works or any of them by the Bulk Supply Licensee under (c) (i) of this sub-section
- (v) If the arbitrator considers that the Local Generating Licensee has obtained a reasonable profit or that the failure to obtain a reasonable profit or that the failure to show in the statements of account under the Local Generating Licence a reasonable profit on the capital expended on the works under the Local Generating Licence has been caused by or is due to any condition or circumstance as contemplated in (c) (ii) of this sub-section, he shall not award any compensation in respect of any claim relating to any such profits or in respect of any other profits which might have been made from the works under the Local Generating Licence but if the arbitrator considers that the Local Generating Licensee has not obtained a reasonable profit on the capital expended on the works under the Local Generating Licence and that the failure to obtain such reasonable profit was not caused by, or is not due to or has been caused only in part by or is due only in part to any such condition or circumstance as aforesaid he may, with due regard to the extent to which (if at all) the failure to obtain such reasonable profit in respect of which the claim is made has been so caused or is due as aforesaid, award such sum in respect of such claim as he thinks fit provided that any sum so awarded shall not exceed an amount which when added to the total of the net revenue received and to any money other than capital moneys which will be available for distribution would equal ten per centum per annum on the capital expended on the works under the Local Generating Licence from the date of the subscription of such capital to the date of purchase
- (vi) The price or prices to be paid by the Authorized Distributor being the Local Generating Licensee to the Bulk Supply Licensee for the supply of electrical energy to be given to him by the Bulk Supply Licensee for the purposes of his Distributing Licence in lieu of the supply generated by him under his Local Generating Licence unless agreed upon between the Authorized Distributor and the Bulk Supply Licensee shall be decided by arbitration and shall not exceed the price or prices charged or shown or which should have been charged or

shown in the accounts under the Local Generating Licence as the price or prices of the supply of electrical energy delivered or made available to the Authorized Distributor for the purposes of the Distributing Licence, as may be approved or decided by the arbitrator

(vii) In considering the price or prices so charged or shown or which should have been so charged or shown in the accounts under the Local Generating Licence as aforesaid and notwithstanding any statement made in any statements of accounts under the Local Generating Licence or the Distributing Licence or in any report of any auditor and after such enquiry as he thinks fit having due regard to any matters in connection with such prices relating to the works for the generating or supply of the electrical energy under the Local Generating Licence or to the works for the supply of electrical energy under the Distributing Licence, and to any matters relating to the accounts or to the disposal of moneys received by the Licensee under the Local Generating Licence or the Distributing Licence and to any matter relating to the supply of electrical energy under the Local Generating Licence or the Distributing Licence and to the price or prices charged for any such supply and to any method of rebate on or reduction of any such price or prices and to any matter relating to any money paid or which may be paid to the Local Generating Licensee in respect of the purchase of the works under the Local Generating Licence or in respect of any compensation as aforesaid the arbitrator may approve of any such price or prices so charged or shown in the accounts under the Local Generating Licence as the price or prices of the supply of electrical energy delivered or made available to the Authorized Distributor for the purposes of the Distributing Licence or may disapprove of such price or prices and may state in lieu thereof such other amount or amounts as the price or prices which should have been so charged or shown in the accounts as aforesaid as he thinks fit and he shall also determine the price or prices which may be charged by the Bulk Supply Licensee for the supply of electrical energy to the Authorized Distributor as aforesaid for a period not exceeding three years unless approved by the Governor-in Council or not exceeding the next succeeding period when the price or prices charged by the Bulk Supply Licensee may be altered under the provision of section 69 whichever shall first occur

(viii) Nothing contained in this sub-section shall preclude the Authorized Distributor from the benefits to which he may be entitled under the provisions of sub-section (2) of section 71 or if any price payable by the Authorized Distributor to the Bulk Supply Licensee for such supply of electrical energy by virtue of the provision of this sub-section is lower than the price payable by other Authorized Distributors for what may be considered as a similar supply, the circumstances and conditions of the demand and supply referred to in the sub-section (2) of section 71 shall be deemed to be different, owing to the compulsory acquisition by the Bulk Supply Licensee of the works of the Local Generating Licensee, being such Authorized Distributor

(ix) Where a Bulk Supply Licensee is authorized under this sub-section to acquire compulsorily any of the works of a Local Generating Licensee the Bulk Supply Licensee shall serve in writing requiring the Local Generating Licensee to sell and thereupon the Local Generating Licensee shall sell to him his works suitable to and used by him for the purposes of his Local Generating Licence upon the terms and conditions as provided in this sub-section

35 Subject to the provisions of Clauses (d), (e), (f) and (g) of Section 19 and to the provision in Section 23, the Governor-in-Council may reduce or extend or in any way alter any area or areas when, on the application in due form as prescribed by this Ordinance of any interested party, who may be any of the public or local authorities, companies, persons, or bodies of persons, supplying electrical energy over and within such area or areas, or any such authority, company, person, or body of persons, 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-in-Council 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 Licensee and consumers in any area shall not be unduly prejudiced thereby

Governor may alter areas where equitable to all parties

36 Where the granting of such application entails the 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 the manner hereafter provided

Obligation to purchase works on the portion of an area transferred

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 in the manner hereafter provided

37 Licensees under this Ordinance may, subject to the approval of the Governor-in-Council, enter into agreements to co-operate for any of the purposes of their Licences, subject to the provisions of this Ordinance, provided that the approval of the Governor-in-Council shall not be granted until the expiration of two months after public notice shall have been given, as provided for by Section 125, of the intention to enter into such agreement together with the object thereof

Licensees may co-operate for the purposes of their Licences

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

Licensees not to purchase other undertakings

(2) If in contravention of this section the Licensee purchases or acquires any such undertaking, or associates himself with any such other authority, company, person, or body of persons, the Governor-in-Council 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 purpose in the Licence

Area of supply and prohibition of supply beyond area

(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 granted by the Governor-in-Council under this Ordinance

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

40 The following provisions shall apply as to giving security for execution of works 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-in-Council that 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-in-Council 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-in-Council such sum as may be fixed by the Licence, or, if not so fixed, as may be required by the Governor-in-Council.

(3) If the Licensee fails to shew to the satisfaction of the Governor-in-Council 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-in-Council 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.

(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) Where the area of supply includes the districts or parts of the districts of two or more local authorities, the Governor-in-Council 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, person, or body of persons, 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.

Accounts to be in prescribed form

42 (1) Every Licensee shall on or before the 30th day of June in every year fill up annual statements of accounts of the undertaking made up to the 31st day of March then next preceding, in the forms and containing the particulars prescribed in the schedule to this Ordinance and such statements shall be published, in such manner, as may from time to time be prescribed in that behalf by the Governor-in-Council. The Licensee shall deliver to the Governor copies of such annual statements of accounts and shall, if the Governor-in-Council so directs, keep copies of such annual statements of accounts at his office in the area of supply and sell the same to any applicant at a price not exceeding one rupee for the copies of such statements for any one year. 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 for each day during which such default continues.

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.

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 shall be examined and audited by such competent and impartial person as the Governor-in-Council may appoint or approve, and the remuneration of the auditor shall be such as may be agreed or as the Governor-in-Council 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-in-Council may approve, shall be paid by the Licensee on demand, and shall be recoverable as a civil debt summarily.

(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.

(3) The Governor-in-Council 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.

(4) Any report made by the auditor, or such portion thereof as the Governor-in-Council may direct, shall be appended to the annual statement of accounts, and shall form part thereof for the purposes of section 42.

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 or against the Licensee, their officers or servants, in relation to the undertaking, provided as follows —

(i) That for the purpose of making the performance of the Licence, as reflected in the statements of accounts of the undertaking of a Licensee being a public or local authority and of a Licensee not being a public or local authority, respectively, readily and truly comparable, 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 such part thereof which shall be of such amount as is usual for works of the same nature and class.

(ii) 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 shown to the credit of a depreciation fund account.

(iii) The amounts so credited to the depreciation fund account shall be paid to and set aside for the purposes of that account or may thereafter be transferred to and used for the purposes of providing any instalments or sinking fund as referred to in (c) of this sub section.

(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 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.

Application of money received by public or local authorities as Licensees

- (j) 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 amounts to or exceeds five per centum per annum upon the aggregate capital expenditure on the undertaking, the Licensee shall make such rateable reduction in the charge for the supply of electrical energy as will reduce the surplus to a rate of profit equal to two and a half per centum

- (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

**Interest and Dividends
which may be paid during
construction out of
Capital**

45 Where the 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 account, and as to dividends, and the reduction of the price of the supply 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-in-Council 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 such 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

(5) The 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

(6) When payment shall have been made, or provided for, of all expenses in respect of the undertaking, (not being disbursements properly chargeable to capital) the balance of net revenue or profit shall be available for distribution as the Licensee thinks fit. Provided that when the net profits from the undertaking paid as dividend on the paid up share capital shall at any time have amounted to a sum equal to ten per centum per annum on such paid up share capital from the date of its being so paid up the dividend payable on such paid up share capital from any net revenue or profits from the undertaking in excess of ten per centum per annum may be

increased by one-quarter of one per centum per annum, for every one and one-quarter per centum by which the average price charged to consumers for the supply of electrical energy, is reduced below the maximum price stated in the Licence subject to the provisions of sections 69, (1) and (2)

(7) If the Licensee makes default in complying with the provisions of sub-section (6) of this section the Governor-in-Council may after such enquiry as he thinks fit, alter the price 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 order of the Governor-in-Council 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

(8) 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 for each default, and to a daily penalty not exceeding seventy-five rupees for each default, or, having regard to the circumstances, the Governor-in-Council may deal with the Licence as he thinks fit

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

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-in-Council, 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-in-Council

47 (1) The Governor-in-Council may by order authorize any Licensee who is authorized to supply electrical energy in any area to acquire compulsorily, or to use, for any of the purposes of a generating station any land, however acquired, 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

(2) Applications under this section shall be made in the manner herein prescribed in that behalf

48 (1) It shall not be lawful after the enactment of this Ordinance, for any Licensee to construct any generating station on any land, whether acquired by him compulsorily or by agreement without the authority of the Governor-in-Council This section shall not apply to any station for transforming, converting, or distributing electrical energy

(2) Applications under this section shall be made in the manner herein prescribed in that behalf

49 Subject to the provisions of the Licence and this Ordinance and the Regulations under 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 —

(a) The supply of electrical energy to be given under any Licence shall—

(i) be by a three phase system at a frequency of fifty complete periods per second and, except in the case of high or extra high pressure supplies as authorized in each case by the Governor or to any Authorized Distributor at a normal pressure of four hundred and fifteen volts between any two of the three conductors of a three phase system or a normal pressure of two hundred and forty volts between any one of the three conductors of a three phase system and a conductor connected to the neutral point of a three phase system, which shall be the standard system and the standard pressures of supply

(ii) Where any supply is being given by a system other than a three phase system at a frequency of fifty complete periods per second the Licensee shall before the expiration of twelve months after the enactment of this Ordinance discontinue and cease to supply by such system and shall then and thereafter give the supply by the standard system and

Action upon default by Licensee

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

except in the case of high or extra high pressure supplies as authorized in each case by the Governor or to an Authorized Distributor at the standard pressure or pressures as hereinbefore specified without causing or entailing expense to any consumer in respect of any energy consuming device or apparatus by reason of the change of the system or of the pressure of the supply, unless otherwise agreed upon between the consumer and the Licensee

- (iii) Where any supply is being given by the standard system but not at the standard pressures the Licensee shall before the expiration of two years after the enactment of this Ordinance discontinue and cease to supply at such pressure or pressures and shall then and thereafter except in the case of high or extra high pressure supplies as authorized in each case by the Governor, give the supply at the standard pressure or pressures as hereinbefore specified without causing or entailing expense to any consumer in respect of any current consuming device or apparatus by reason of the change of the pressure or pressures of the supply, unless otherwise agreed upon between the consumer and the Licensee
- (iv) Where any Licensee is giving a supply by a system other than the standard system or at any pressure other than a standard pressure and is unable to comply with the obligations incumbent on him under this section within the time prescribed with respect thereto he may make application to the Governor-in-Council in the manner herein provided, to extend the time for the performance of his obligations and the Governor-in-Council may refuse the application or may grant the application for an extension of time not exceeding twelve months which may on a like application be extended for a further period of twelve months provided that the total extension of time granted shall not exceed two years
- (v) Regulations made by the Governor-in-Council for ensuring a proper and sufficient supply of electrical energy shall permit a variation or difference, plus and minus, from the standard normal frequency and pressures, of an amount not less than that for the time being prescribed or allowed by the British Board of Trade or by the Engineering Standards Committee of Great Britain, whichever shall be the greater, and with due regard to the object of this Ordinance for the establishing of standards of modes, materials, and apparatus in the generation supply or use of electrical energy, shall make such provision, with such conditions as may be approved by the Governor in-Council in making the Regulations, as may be necessary for
 - (a) a supply being given to any consumer from any phase or phases of a standard system, and
 - (b) a supply being given to any consumer, by means of converters or transformers taking a supply from a standard system, of such nature and description as may be necessitated by the requirements or peculiarities of the business or operation or process of the consumer
- (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

(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 Regulations, unless the connection is for the time being approved by the Governor

50 (1) After the enactment of this Ordinance any new works or any extension or amplification of any existing works for any of the purposes of generating, transforming, converting, transmitting, distributing or supplying electrical energy under any Licence or Prior Licence shall be carried out and performed in the mode and with the material or apparatus which complies with the specification or standard relating to any such purpose or to any such mode, material or apparatus of the Engineering Standards Committee of Great Britain or in any case where the said specification or standard permits more than one mode, material or apparatus for any of the said purposes with such mode, material or apparatus as complies with the said specification or standard as the Governor-in-Council may by Regulation prescribe provided that in any case any mode, material or apparatus which may be followed or used for any of the aforesaid purposes shall be of a nature, description or type which is established by practice or use under similar conditions to be suitable for the purposes to which it is or may be applied under the Licence or Prior Licence, and it shall not be lawful for any public or local authority in any case, or for any company, person, or body of persons, 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 whether new works or the extension or amplification of existing works otherwise than in accordance with the provisions of this Ordinance

All works to comply
with British Engineer-
ing Standards Com-
mittee's standards

(2) If any such public or local authority, company, person, or body of persons, 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 and to a daily penalty of fifteen hundred rupees while such default continues and whether any such penalty has been inflicted or not the Governor-in-Council may revoke the Licence, concession or agreement or deal with it as he thinks fit

Penalty on default by
company or person

51 (1) For the purpose of the conveyance, transmission, or supply of electrical energy, the Governor in-Council 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

Governor may authorize
poles, mains, etc., on
roads, railways, etc

(2) Where such consent is refused or withheld the Licensee may apply to the Governor-in-Council as hereafter provided, to dispense with such consent and the Governor-in-Council may refuse or may grant the application with such conditions as he thinks fit

52 (1) The Governor in Council may authorize a Licensee to establish, use, and maintain, in, over, or through any area a system or means of 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 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-Council in granting such authority

Governor may authorize
Licensees to erect and
maintain telephone or
Signalling lines for
operation of supply
system

Notice to Postmaster General

(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-in-Council until proof has been furnished by the applicant for such authority that the Postmaster General has had at least 30 days' notice with such particulars as the Governor may approve of his intention to make such application

As to applications

(3) Application for such authority and objection thereto shall be made in the manner hereafter provided

Penalty for abuse of powers

(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

(5) On the occurrence of any public emergency, or in the interest of the public safety, the Governor-in-Council or any officer specially authorized in this behalf by the Governor-in-Council may take temporary possession of any system or means for the transmission by an electrical method of messages or signals so established, used or maintained by any Licensee

(6) If any doubt arises as to the existence of a public emergency or whether any act done under sub-section (5) was in the interest of the public safety, a certificate signed by the Governor-in-Council shall be conclusive proof on the point

Powers for the execution of 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

**Overhead lines
Streets, railways, tramways, rivers, canals, and harbours on which Licensee is authorized by Licence to construct works**

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 on the level

Authority for above works to be obtained if not authorized in Licence

(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, 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-in-Council and where the Governor-in-Council 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

Street boxes.

55 (1) Subject to the provisions 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-in-Council

(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 Regulations made under this Ordinance

(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

(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 and to a daily penalty not exceeding seventy-five rupees 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

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-in-Council as herein provided) in, along or across any street, the following provisions shall have effect —

Overhead works
Notices to be given by
Licensee

(a) One month or such other period as the Governor-in-Council 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

- (i) a description of the proposed works
- (ii) a map of the locality or district shewing the proposed routes and locations of all electric supply lines and sub-stations
- (iii) a drawing shewing the plan and elevation of all sub-stations,

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

(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

(c) Where the repairing authority approves any such works, description, routes, locations, map and drawing, subject to any amendments or conditions with which the Licensee is dissatisfied, or where it disapproves any such works, description, routes, locations, map or drawing, the Licensee may appeal to the Governor-in-Council, and the Governor-in-Council 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

(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-in-Council may approve, after the service of the notice by the Licensee, such repairing authority 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 a description and in accordance with the provisions of this Ordinance and with the description, routes, locations, map and drawing which have been approved, or are deemed to have been approved by the repairing authority or the Governor-in-Council as above mentioned, but where any such works, description, 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

(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

(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 and to a daily penalty not exceeding seventy-five rupees 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 shall not apply

(3) For the execution of any of the works contemplated in this section the Licensee may with the consent of the owner of any building attach to that building such apparatus as may be required for any such work Provided that —

(a) Where in the opinion of the Licensee any consent under this sub-section is unreasonably refused or where any such consent is withheld for a longer period than thirty days after written application has been made for the same by the Licensee the Licensee may make application to a Magistrate holding a subordinate court of the first class who shall have power having regard to the character or nature of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the application are to be paid,

(b) Any consent of an owner and any order of a Magistrate under this sub-section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this sub-section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Licensee notice in writing requiring the attachment to be removed Where such notice is given the preceding provisions of this sub-section shall apply and the Magistrate shall have the same powers as under (a) of this sub-section

(c) The owner may require the Licensee to remove temporarily any attachment during any reconstruction or repair of the building

For the purpose of this sub-section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner

(4) Nothing in the section shall exempt the Licensee from any penalty or obligation to which he may be liable under this Ordinance 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

57 (1) Where the exercise of any of the powers of the Licensee in relation to the execution of any work 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-in-Council 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 showing 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

(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

(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-in-Council, and the Governor-in-Council 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-in-Council 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-in-Council, 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 and to a daily penalty not exceeding seventy-five rupees 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

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

(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 this Ordinance 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

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

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-in-Council may approve before commencing the execution of the works (not being repairs, renewals, or amendments of existing work 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-in-Council 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

(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

(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

(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.

(g) Where the repair, renewal, or amendment of any existing works of 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 affect 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.

(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 such default to a penalty not exceeding one hundred and fifty rupees and to a daily penalty not exceeding seventy-five rupees. 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.

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.

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

(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 —

(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.

(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.

(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.

(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

(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

(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 and to a daily penalty not exceeding seventy-five rupees 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

(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

(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 hereafter provided

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

**As to alteration of pipes
wires, &c, under or over
streets**

60 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 —

(a) One month or such other period as the Governor-in-Council may approve before commencing any such alterations, the Licensee or the body or person (as the case may be), herein 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), herein 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

(b) Within three weeks or such other period as the Governor in Council 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 determined by arbitration accordingly

(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 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 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 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 respectively as may have been determined by arbitration as hereinbefore mentioned or as may be agreed upon between the parties

(e) At any time before any operator is entitled to commence any such alterations as aforesaid, the owner may serve 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 hereafter provided

(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 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

(h) If the owner declines, or for twenty four hours after 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 he might have done if no such statement as aforesaid had been served upon him

(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

(j) Any owner may, if he thinks fit, by any statement 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 owner has been so required to 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 hereafter 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 provisions 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 and to a daily penalty not exceeding seventy-five rupees. 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.

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

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, siphon, 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, siphon, 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 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 and to a daily penalty not exceeding seventy-five rupees 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, siphon electric line or work affected thereby and that that ignorance was not owing to any negligence on the part of the operator

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

(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

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 local authority, company, person, or body of persons, or service nor obstruct or interfere with public traffic, except with the previous written consent of the Governor

For protection of railway and canal authorities or companies

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

For protection of telegraph and telephone wires

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

(2) Seven days or such other period as the Governor-in Council 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

Maximum price

64 (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-in-Council, such price as the Governor-in-Council may determine on approving the method.

(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), the Governor-in-Council 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-in-Council that the prices or methods of charge stated in the Licence or approved by the Governor-in-Council ought to be altered the Governor-in-Council 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.

Other charges by agreement

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.

Conditions which may affect price to be charged

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.

(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.

No undue preference as to charge

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.

Questions as to undue preference to be decided by Governor-in-Council

(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-in-Council.

Supply may be cut off on failure to pay charges

73 If any public or local authority, company, person, or body of persons, neglects to pay any charge (not reasonably being the subject of a 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 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, person, or body of persons.

Provided that where any company, person, or body of persons has given to the Licensee a deposit as security for payment for 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 the sum so deposited as security and after payment shall have been demanded as aforesaid

74 The Licensee may refuse to supply electrical energy to any public or local authority, company, person or body of persons whose payments for the supply of electrical energy are for the time being in arrear (not reasonably being the subject of a dispute), whether any such payment 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

Power to refuse to supply electrical energy in certain cases

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

Appointment of Electric Inspector

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

Duties of Electric Inspectors

(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

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

(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

(3) Any Electric Inspector appointed under this Ordinance and duly authorised in that behalf by the Governor may at all reasonable times enter any premises for the purpose of ascertaining if the provisions of this Ordinance are being complied with. Provided that no Electric Inspector shall enter any such premises, other than the premises of a Licensee or of a public or local authority, without the permission of the occupier first had and obtained. Such permission shall not be refused

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

Notice of accidents and enquiries by Governor

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

(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 affecting 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 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

Testing of mains

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 Electric Inspector, will least interfere with the supply of electrical energy by the Licensee and in such manner as the Electric 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 point 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 Electric 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.

Testing of works and supply on consumer's premises

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 Regulations.

Authorized Distributor to establish testing stations

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.

Licensees to keep instruments on their premises

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.

Reading of instruments to be taken

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 receivable in evidence.

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

Electric Inspector may test Licensee's instruments

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.

Representation of Licensee at testing

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, and to a daily penalty not exceeding fifteen rupees

Licensees to give facilities
for testing

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

Report of result of
testing

(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 in Council against the report, and thereupon the Governor in Council 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 or by the Licence or by the Regulations, all fees and reasonable expenses of an Electric Inspector shall, unless agreed, be ascertained by a Magistrate holding a subordinate Court of the first class or by the Governor-in-Council and shall be paid as directed by the Court or the Governor-in-Council as the case may be, and may be recovered summarily as a civil debt

Expenses of Electric
Inspector

(2) Provided that where the report of an Electric Inspector, or the decision of the Governor in-Council, 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 paid by the party guilty of default or negligence as the Court or the Governor in-Council, by whom the fees are ascertained, having regard to the report or decision, directs, and may be recovered as a civil debt, summarily

(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 to any consumer, or the electrical quantity contained in the supply (according to the method by which the Licensee elects to charge) hereafter 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 may be duly certified as hereinafter provided, 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, 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 Regulations and every such meter is hereafter referred to as 'a certified meter'. Provided 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

Certification of meters

Inspector to certify meters

An Electric Inspector, on being required to do so by the 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 Electric Inspector shall on the like requisition and 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 the meter to be so certified.

Licensee to supply meters if required to do so

91 Where the value of the supply is under this Ordinance 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 meters to be duly certified under the provisions of this Ordinance 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 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 or meters as hereafter provided.

Provision re separately and jointly owned meters

92 (1) In any case where the maximum demand of any consumer equals or exceeds two hundred kilo volts-ampere, if it is so desired by the consumer, three appropriate 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, provided that where the last described method of measurement of the value of the supply is desired as aforesaid, one of such meters shall be the property of the Licensee, one of such meters shall be the property of the consumer, and one of such 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.

Meter failing to register

(2) If the reading of each of the three meters employed or used to ascertain the value of the supply is within three per centum of the mean of the readings of the three meters, each meter shall be considered correct for the purposes of the accounts. If, however, the reading of any meter at any time shows a difference from the mean of the readings of the three meters of more than three per centum, then the mean of the readings of the three meters shall be taken for the time being, pending the correctness of each of the meters being determined, which shall be done forthwith and any meter which is found to have an error of more than three per centum shall be readjusted. If at any time and for any reason two only of the meters are in service the mean of the readings of these two meters shall be accepted by both parties, provided that such mean is within three per centum of the readings of both meters. If the mean of the readings of the two meters is found not to be within three per centum of the readings of both meters the same procedure shall be adopted with regard to the determination of the accuracy and for the readjustment of the meters, as set forth above. In case of dispute the matter may be referred by either party to an Electric Inspector as provided by section 98.

Meters not to be connected without notice

93 The Licensee shall not, nor shall any consumer, connect or disconnect any meter to be used, or used for ascertaining the value of the supply with or from any electric supply line through which electrical energy is supplied by the 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 the Licensee or any consumer acting in contravention of this section shall be liable for each offence to a penalty not exceeding thirty rupees

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

Meters not to be altered
as to adjustment without
notice

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

Consumer to keep his
meter in proper order

(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 re-certifying 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

96 The Licensee may let for hire any meter for ascertaining the value of the supply and any fittings thereto, for such remuneration in money and on such terms with respect to the repair of the meter and fittings, and for securing the safety and return to the Licensee of the meter and fittings, as may be agreed upon between the hirer and the Licensee and approved of by the Governor-in-Council, or, in case of dispute, determined by the Governor-in-Council and that remuneration shall be recoverable by the Licensee as a civil debt, summarily

Power of the Licensees
to let meters

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

Licensees to keep meters
let for hire in repair

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 Electric 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 Electric Inspector shall be final and binding on all parties

Disputes as to accuracy
of meter to be settled
by Inspector

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

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

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 as a civil debt, summarily

Licensee may install 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 consumer, 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

Licensee to keep meter testing apparatus and records of tests

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 Regulations

(3) The records of the tests made under this section at the various loads specified in the Regulations, shewing the percentage of error above and below normal, shall be made and kept by the Licensee

Penalty for default made under this section

(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 and to a daily penalty not exceeding thirty rupees

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

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. Provided that no officer appointed by the Licensee shall enter such premises without the permission of the occupier first had and obtained. Such permission shall not be refused

In any case where such permission is refused the Licensee may additional to any penalty to which the occupier, lessee or owner of any premises to which electrical energy is or has been supplied by the Licensee may be liable under this Ordinance in respect of such refusal, cut or disconnect any electric supply line or other work through which electrical energy may be supplied and may until such permission is given and any expenses

incurred by the Licensee in cutting or disconnecting any electric supply line or other work as aforesaid, are fully paid but no longer discontinue or refuse to supply electrical energy to such occupier lessee or owner

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 the process of any Court, or any proceedings in bankruptcy against the person in whose possession the same may be

Electric lines, &c, not to be subject to distress

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 Provided that such electric supply lines, fittings, apparatus, or appliances mentioned in this and the preceding section have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the Licensee as the actual owner thereof

Electric supply lines, and works, let on hire, though fixed to premises, to remain property of 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 the 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 for every such offence, and also a sum not exceeding thirty rupees 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

Wrongful and fraudulent practices

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 a sum not exceeding seventy-five rupees, in addition to the amount of the damage done

Wilful damage to works or extinguishing of public lights

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

Careless or accidental damage to works

Damages

Licensor forfeits to forfeit no damages for injury to tools, tampering with meter or fraudulent use of energy

107 Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works or 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, and the Licensee may in addition thereto recover the amount of any damage 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 *prima facie* 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 as a civil debt, summarily.

Licensee may cease to supply if the same is used detrimentally to the system

108 (1) 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.

Difference as to above and as to apparatus to be settled by Electric Inspector

(2) If any difference arises as to any improper use of electrical energy, or as to any alleged defect, in, or as to unsuitable or as to necessary apparatus or protective devices, that difference shall be referred to an Electric Inspector

Standardization

109 (1) A public or local authority or any combination of any such authorities shall not use or employ for or in connection with any of the purposes of generating, transforming, converting, transmitting, distributing, supplying or using electrical energy, any mode, material or apparatus other than that which complies with the specification or standard relating to any such purpose or to any such mode, material or apparatus of the Engineering Standards Committee of Great Britain or in any case where the said specification or standard permits more than one mode, material or apparatus for any of the said purposes or in any case where no such specification or standard has been made by the said Engineering Standards Committee, as the Governor in Council may by Regulation prescribe.

(2) Except for the lighting of the building in which the electrical energy is generated or any building or premises adjacent thereto and being part of the factory, plant, business or process in and for which the electrical energy is generated or where no electrical energy is generated or used for motive power purposes, where the requirements or peculiarities of any business operation or process necessitate the employment or use of electrical energy of another nature or description, any electrical energy generated by means of water power shall be on the standard system and where the electrical energy is used or supplied, subject to the provisions of this Ordinance and the Regulations as to supplies at high or extra high pressures, at the standard pressure or pressures as specified in section 49 subject in all cases to any Regulations made under this Ordinance relating to the safety of the person and property and in the case of a Licensee to the provisions of this Ordinance and to any Regulations under this Ordinance. The provisions of this subsection shall be endorsed on every permit granted authorizing the use of water for any motive power purposes.

(3) (a) No Licensee, consumer, company, person or body of persons shall connect or cause or permit to be connected or to remain connected to or in relation with any circuit of a standard system at a standard pressure any device or apparatus relating to which any specification or standard is made by the Engineering Standards Committee of Great Britain unless such device or apparatus is plainly and truly marked in a usual and suitable manner showing its value for its intended purpose in terms suitable to its nature relative to or as may be required by the specification or standard relating to any such device or apparatus of the said Engineering Standards Committee, provided that this provision shall not apply to any device or apparatus in use on any standard system at a standard pressure at the time of the making of any such specification or standard by the said Engineering Standards Committee, except as to any renewals of any such device or apparatus

(b) In any case where the specification or standard of the said Engineering Standards Committee does not prescribe the manner in which any device or apparatus which may be connected to or in relation with any circuit of a standard system at a standard pressure shall be marked as to its value for its intended purpose or if any question arises with respect thereto the Governor-in-Council may by Regulation prescribe the manner in which any such device or apparatus shall be marked or the value or the terms relating thereto which shall be shown or used in such marking

(4) Any Licensee or consumer or company, person or body of persons making default under this section shall be liable to a penalty not exceeding three hundred rupees, and to a daily penalty not exceeding one hundred and fifty rupees

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

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 for each inspection of the map, section, or copy and such further fee not exceeding five rupees 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

(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, and to a daily penalty not exceeding thirty rupees

111 Notices, orders, and other documents under the Electric Supply Line Ordinance, 1914, or this Ordinance, or the Licence, 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

Notices, &c., may be
printed or written

Service of notices, &c

112 (1) Any notice, order, or document required or authorized to be served upon or furnished to any authority, company, person, or body of persons under the Electric Supply Line Ordinance, 1914, or this Ordinance or the Licence may be served or furnished by being addressed to that authority, company, person, or body of persons, and being left at or transmitted through the post to the following addresses respectively —

(a) In the case of the Governor in Council the office of the officer deputed by the Governor to exercise the powers vested in the Governor under this Ordinance

(b) In the case of the Power Board, the office of the officer deputed by the Governor to exercise the powers vested in the Governor under this Ordinance

(c) in the case of any officer, deputed by the Governor to exercise the powers vested in the Governor under this Ordinance, the office of such officer

(d) in the case of the Post Master General, the General Post Office, Nairobi

(e) in the case of any Electric Inspector appointed by the Governor for the purposes of this Ordinance the office of such Electric Inspector

(f) in the case of any public or local authority the office of such public or local authority

(g) in the case of a Licensee, when the Licensee is not a public or local authority or a company, the office of the Licensee in the area of supply

(h) in the case of a Licensee when the Licensee is a company, the registered office, if in the area of supply, or otherwise the principal office of the company in the area of supply

(i) in the case of a Prior Licensee or other body, the principal office of the Prior Licensee or other body in the area named in the Prior Licence or otherwise in the district where such Prior Licensee or other body is operating or conducting business

(j) in the case of any person, the usual or last known place of abode of that person

and every notice, order or document relating to any matter arising under this Ordinance, the Licence or the Prior Licence, as the case may be, so served or furnished shall be deemed to be full and lawful service on the Licensee or Prior Licensee as the case may be

(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, Sundays, and public holidays

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-in-Council may after such enquiry as he may think necessary, revoke that Licence

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-in-Council that the undertaking cannot be carried on with profit, and ought to be abandoned, the Governor-in-Council shall enquire into the truth of the representation, and if upon that enquiry the Governor-in-Council is satisfied as to the truth of the representation, he may, if in his discretion he thinks fit, revoke the Licence

Revocation of Licence where undertaking cannot be carried on with profit

115 If in any case where a public or local authority is the Licensee, the Governor-in-Council 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-in-Council may, after such enquiry as he may think necessary, revoke the Licence

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

116 In addition to any other powers which the Governor-in Council 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-in-Council thinks just

Revocation of Licence with consent

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 in Council 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

If Licensee discontinues the supply Governor may operate same

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

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

(4) The Governor-in Council 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

(5) Where the generation or supply of electrical energy under any Licence may be interrupted or affected to the detriment of the public or the consumers, by the demise of an individual or other disability not provided for by this Ordinance on any such occurrence and only if necessity arises for any immediate action pending any action by the Governor-in-Council, it shall be lawful for and it is empower the Provincial Commissioner or Commissioners of the Province or Provinces in which the generation and supply is or should be effected or given either by himself or themselves or through any District Commissioner or Magistrate to exercise such authority and give such instructions as may be necessary in the public interest for the proper continuance or resumption of the generation or supply of such electrical energy

Where any Provincial Commissioner takes any action under this section, he shall immediately report to the Governor-in Council by telegram the circumstances of the case and of the action he has taken

118 (1) The revocation by the Governor-in-Council of any Licence, shall not indemnify the 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 sustained by such consumer by reason of the default of the Licensee in the performance of his obligations under the Licence

Revocation not to absolve Licensees from liability for damages and penalties

(2) The amount of any penalties or damages for which the Licensee may be liable under this section, shall rank as a charge against any purchase money to which such Licensee may be entitled in respect of any of his works, and any court of competent jurisdiction may interdict the payment to such 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

Provisions where Licence revoked

119 If the Governor-in-Council 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 unless otherwise provided for 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 rights, powers, and authorities of the Licensee under this Ordinance or the Licence, shall absolutely cease and determine

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-in-Council for a Licence authorizing them to operate the undertaking, with or without modification, and the Governor-in-Council may grant such application upon such terms and conditions as he sees fit, or he may refuse the application

Public or local authority in possessing a Licence may require Licenses to sell

(c) Where the Governor-in-Council has granted such application, the applicant may by notice in writing require the Licensee to sell, and thereupon the 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 Licensee suitable to the purposes of the undertaking as aforesaid, that value being agreed or estimated in the manner herein provided

Procedure if application by local authority is not received or is refused

(d) Where any purchase is so effected, the undertaking when purchased shall vest in the authority or authorities making the purchase, freed from any debts, mortgages, or similar obligations of the Licensee, or attaching to the undertaking, and the revocation of the Licence of the Licensee shall be absolute

Conditions as to purchase

(e) If no application is made as above or if the Governor-in-Council refuses to grant a Licence to any public or local authority, under the preceding provisions of this section, the Governor-in-Council 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 Licensee suitable to the purposes of the undertaking as aforesaid

Removal of Licensee's works where no sale is effected

(f) Should any purchase be effected in consequence of any such action of the Governor-in-Council 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 clauses (c) and (d)

(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

(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 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 Licensee

Costs of removal of works

(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 of the 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 Licensee under the provisions of this Ordinance, that compensation shall be a first charge on any money that may have been deposited or secured by the Licensee under the provisions of this Ordinance, and which may not have been repaid or released to the Licensee, and that money shall be applied ratiably in satisfying claims, and in every such case the amount of compensation to be paid in respect of the various claims, and the persons to whom it is to be paid, shall be determined by arbitration

Compensation for damage entailed by removal

120 (1) If the Governor-in-Council, 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 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 Licensee by such authority 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

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

(2) If the 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 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 they may think fit, and may, out of the proceeds of sale, pay and reimburse themselves the amount of the costs so specified or determined 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 Licensee

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

Defective works or contravention of Regulations

(a) that the Licensee is making any default under the provisions of this Ordinance or the Regulations as to standards or modes, materials, apparatus, system, pressure, or frequency or (except in accordance with the provisions of this Ordinance or the Regulations) has permitted any part of his circuits to be connected with earth or placed any electric supply line above ground, or

(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 Regulations, or

(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,

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 for every day during which the default continues

(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 for every day during which the use continues

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

Nature and amount of security

122 Where any security, other than the security required to be given by the Licensee under the provisions of section 40, is required under this Ordinance 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 competent 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

Proceedings upon reference to the Governor or his Deputy

123 (1) Any of the powers under this Ordinance or under the Electric Supply Line Ordinance, 1914, vested in the Governor-in-Council or in the Governor may be deputed by the Governor-in-Council to the Power Board provided for by section 147 and all things required or authorised by these enactments or a Licence to be done by, to or before the Governor in Council or the Governor, may in respect of the powers so deputed, be done by, to or before the Power Board

(2) Any of the powers under this Ordinance or under the Electric Supply Line Ordinance, 1914, vested in the Governor may be deputed by the Governor to any officer appointed or nominated by him for that purpose and all things required or authorized by these enactments or a Licence to be done by, to or before the Governor, may, in respect of the powers so deputed, be done by, to or before the officer so appointed or authorized

(3) All documents purporting to be orders made by the Governor-in-Council or the Governor, or by the Power Board or the officer authorized by the Governor-in-Council or the Governor, as the case may be, shall be received in evidence and shall be deemed to be those orders without further proof unless the contrary is shown

(4) 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

Approval or consent of Governor

124 (1) Where this Ordinance or the Electric Supply Line Ordinance, 1914, or a Licence provides for any authority, consent or approval of the Governor-in-Council or the Governor, the Governor-in-Council or the Governor may give that authority, consent or approval subject to terms or conditions, or may withhold his authority, consent or approval, as in his discretion he may think fit

(2) All costs and expenses of or incident to any order, certificate, authority, consent, or approval, of the Governor-in-Council or the Governor or the Power Board or the officer appointed or nominated by the Governor or of any Electric 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 in-Council or the Governor, or the Power Board or the officer appointed or nominated by the Governor as the case may be 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-in-Council to any plan, pattern, or specification, the Governor-in-Council 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

125 (1) Subject to any provision in this Ordinance to the contrary before making any application to the Governor-in-Council

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

(a) to authorise, consent to, or approve of the altering or varying of any provision contained in this Ordinance or a Licence which it is provided by this Ordinance may be so altered or varied or,

(b) for any authority, consent or approval required under this Ordinance or,

(c) to dispense with any authority, consent or approval of any public or local authority which is required with regard to any matter arising under this Ordinance when such consent or approval is refused or withheld or,

(d) for the revocation of any Licence, if as to an area of supply, for the whole or any part of such area or,

(e) for the alteration of any area defined in any Licence

The intending applicant shall give notice by public advertisement of the intended application not more than sixty days and not less than thirty days before the application is to be made

(2) Every such advertisement shall be published in each of two successive weeks in the Official Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and in any other area concerned in the application and shall contain the following particulars —

(a) a short title descriptive of the application,

(b) the date of the intended application,

(c) the name, address, and description of the applicant,

(d) a statement of the object of and reasons for the application,

(e) a description of the area or areas (if any) and of any public or local authority, company, person or body of persons (if any) which shall or may be affected by the grant of the application,

(f) a statement of how or of the manner in which such area or areas, public or local authority, company, person or body of persons shall or may be affected by the grant of the application

(3) Additional to such notice by public advertisement and within the time specified for its publication, the intending applicant shall serve a notice in writing with the aforesaid particulars on every public or local authority or Licensee who shall or may be affected by the grant of the application

(4) Every such notice must state that any public or local authority, company, person or body of persons desirous of making any representation on or objection to the application must do so by letter addressed to the Governor-in-Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" on or before the expiration of thirty days from the date of the application as stated in the notice and that a copy of such representation or objection must be forwarded to the applicant

(5) The application addressed to the Governor-in-Council may be printed or typed and must be signed or sealed as may be legally necessary by or on behalf of the applicant and delivered to the Governor-in-Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" together with proofs of the applicant's compliance with the provisions as to notices on or before the date stated in the notice as being and which shall be the date of the application

(6) The Governor-in-Council shall consider any such application and any representation or objection which has been made respecting the same and may make or order such enquiry as he thinks fit and may refuse or may grant the application with such conditions or modifications as he deems expedient

**Notice of application
for a Licence**

126 (1) Before making any application for a Licence, the intending applicant shall give notice by public advertisement of the intended application not more than 90 days, and not less than 60 days before the application is to be made

(2) Every such advertisement shall be published in each of two successive weeks in the Official Gazette, and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and any other area concerned in the application and shall contain the following particulars —

(a) a short title descriptive of the application

(b) the date of the intended application

(c) the name, address, and description of the applicant

(d) a short statement of the purposes for which the Licence is required

(e) a description of the proposed area of supply (if any)

(f) the names of the streets (if any) or a description of the routes where it is proposed that electric supply lines shall be installed within a specified time

(g) the address of an office in Nairobi and another office within the area of supply at which printed or typed copies of the draft Licence to be applied for and of the Licence when granted, and of any other particulars required by this Ordinance, can be inspected by the public

(h) in any case relating to an application for a Licence by which it is proposed to obtain powers to authorize the compulsory acquisition or the use of land for the purposes of a generating station, a description of that land

(i) in any case relating to an application for a Licence relating to the purchase of any works used for any of the purposes of the generation or supply of electrical energy, a description of the position or positions of the works to be purchased

(j) in any case relating to any combination of any public or local authorities, the basis upon which such combination proposes to operate and upon which the representation on, and the financial requirements of the combination or of any joint committee or joint board representing such combination, and the contribution to the common fund by the constituent authorities are to be provided for

(3) Additional to such notice by public advertisement and within the time specified for its publication, the intending applicant shall serve a notice in writing with the aforesaid particulars on every local authority in the area or proposed area of supply and in any other area concerned in the application (Where the intending applicant is a local authority and the application to be made relates to an area in the jurisdiction of the intending applicant, the provision as to notice to the local authority shall not apply)

(4) Every such notice, whether by public advertisement or by service in writing must state that any authority, company, person or body of persons desirous of making any representation on or objection to the application or to the grant of the Licence must do so by letter addressed to the Governor-in-Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" on or before the expiration of sixty days from the date of the application as stated in the notice and that a copy of such representation or objection must be forwarded to the applicant

- 127 (1) (a) The applicant must in each case prepare a draft of the Licence being applied for
- (b) The draft Licence must be printed or typed on one side only of the paper and each schedule annexed must begin a new page
- (c) The name and address of the applicant for the Licence must appear on the outside of the draft
- (d) The notice contained in the advertisement as to representations or objections must appear at the end of the draft
- (2) The draft must contain (amongst other things),
- (a) The name, address, and description of the applicant
 - (b) A description of the proposed area of supply (if any) and in the case of a Bulk Supply Licence, a description of the routes, streets, roads, railway or tramways, and in the case of a Distributing Licence the names of the streets, along which it is proposed that electric supply lines shall be installed for the purpose of giving the supply
 - (c) A statement of the purposes for which a supply is to be given
 - (d) A statement of the maximum prices which may be charged, in the case of a Bulk Supply Licence, for a Bulk Supply and in the case of a Distributing Licence for a supply for,
 - (i) industrial power
 - (ii) industrial lighting
 - (iii) domestic power
 - (iv) domestic lighting
 - (v) power for public purposes
 - (vi) lighting for public purposes
 - (vn) power other than for industrial, domestic or public purposes
 - (vm) lighting other than for industrial, domestic or public purposes - (e) A statement of the proposed method or methods of rebate on or reduction of the maximum price or prices in consideration of any stated improvement in the conditions of the demand by reason of,
 - (i) load factor
 - (ii) power factor
 - (iii) time of the demand, or,
 - (iv) other circumstances of the demand,

which method or methods when stated in a Licence, may be varied with the consent of the Governor-in-Council, without regard to the time specified for the revision of the maximum price or prices upon application being made in the manner herein provided

(f) In the case of a Licence to authorize the compulsory acquisition or the use of land for the purposes of a generating station, a description of such land

(g) In the case of a Licence relating to the purchase of any works used for the purpose of supplying electrical energy, a description of the works to be purchased and of the area in which electrical energy is supplied therefrom

(h) In the case of a Licence relating to any combination of any public or local authorities,

 - (i) a description of the purposes of the combination
 - (ii) provisions for constituting the committee or board of management or other directorate of the combination, for the appointment and removal of members and for the meetings of the committee or board of management or other directorate of the combination
 - (iii) Provisions,
 - (a) relating to the financial arrangements between the proposed constituent authorities,
 - (b) for the appointment and remuneration of officers, and
 - (c) for settling differences between committee, board or other directorate, and any of the constituent authorities

Draft Licence and
particulars to be
contained therein

(iv) provisions as to audit accounts

(v) provisions for adopting any Licence in force in the area of supply or any part thereof to the case of the committee, board or other directorate proposed to be constituted

(i) The period (if any) for which the Licence is applied for

(j) A statement of the conditions (if any) which have been agreed upon between the applicant and any local authority in the area of supply as to the purchase of any works under the Licence

(k) A statement of the conditions (if any) which have been agreed upon between the applicant and any local authority in the area of supply relating to the works under the Licence in the area of the local authority

Articles and particulars to be deposited with the application 128 The applicant must in each case, when making the application deposit with it,

(a) Three printed or typed copies of the draft Licence

(b) A list of the local authorities in whose districts the area or proposed area of supply is situated

(c) In the case of an application relating to the purchase of any works used for supplying electrical energy, a list of the local authorities within whose districts the works are situated

(d) A list of the public or local authorities, companies, persons or bodies of persons, (if any) authorize to supply electrical energy within the area or proposed area of supply

(e) In the case of an application by a public or local authority the following particulars,

(i) the sum proposed to be expended on the undertaking

(ii) whether it is proposed to raise a loan for the purposes of the undertaking or otherwise how the money required is to be provided

(iii) in the case of a local authority the rateable value of the district

(iv) the amount of indebtedness and the borrowing powers of the applicant for all purposes

(v) in the case of a local authority the amount of the rates in the pound

(vi) a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the Licence being applied for has been prepared and considered by the public or local authority and the report of a competent engineer on the proposed scheme

(f) In the case of an application by or relating to any combination of any public or local authorities there must be deposited with the application, in addition to such of the deposits hereinbefore specified as are applicable, the following particulars —

(i) the rateable value of each of the districts of the proposed constituent authorities

(ii) the amount of the indebtedness and the borrowing powers of each of the proposed constituent authorities

(iii) the amount of rates in the pound in the districts of each of the proposed constituent authorities

(iv) where the proposal is not for the combination of existing undertakings actually worked, a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the Licence being applied for has been prepared and considered by the proposed constituent authorities and the report of a competent engineer on the proposed scheme

(v) A statement of the proportions in which the cost is to be defrayed by the proposed constituent authorities

(vi) a copy of any agreement between the proposed constituent authorities relating to the application

(g) In the case of an application other than by any public or local authority or authorities the following particulars —

(i) a statement, including a detailed estimate of the cost, showing that a definite scheme for the purposes of the Licence being applied for has been prepared and considered and the report of a competent engineer on the proposed scheme

(n) a statement of the capital proposed to be expended in connection with the undertaking, and the mode in which such capital is to be provided

(o) If the applicant is a company, a copy of the memorandum and articles of association

129 (1) The applicant must on or before the date of the application deposit at the offices named in the advertisement printed or typed copies of the draft of the Licence being applied for

(2) If any public or local authority, company, person or body of persons desires to bring before the Governor-in-Council any representation or objection respecting an application for a Licence such representation or objection must be made by letter addressed to the Governor-in-Council marked on the outside of the cover enclosing it "Electric Power Ordinance" before the expiration of sixty days from the date of the application as stated in the advertisement

(3) If any public or local authority, company, person or body of persons desires to have any clause or other amendment inserted in the Licence, they must in like manner deliver the same to the Governor-in-Council and also deliver to the applicant a copy of any such representation, objection, clause or amendment before the expiration of sixty days from the date of the application

(4) The Governor-in-Council, after the expiration of sixty days from the date of the application, shall consider the application together with every such representation or objection, and after such further enquiry (if any) as he thinks necessary may refuse or may grant the application on such terms or conditions and for such area as he thinks fit

(5) When a Licence has been granted by the Governor-in-Council and delivered to the applicant he shall, within thirty days from the date of such delivery, deposit printed or typed copies of the Licence for the inspection of the public at the offices named in the advertisement at which copies of the draft of the Licence were deposited

(6) Where in a Licence granted by the Governor-in-Council a deposited map is referred to the Licensee must within thirty days from the grant of the Licence deposit with the Governor-in-Council a published map mounted on linen, on a scale of not less than six inches to one mile, or if there is no published map then the best map, procurable, mounted on linen, showing the area of supply

(7) If the Governor-in-Council deems it expedient, he may appoint a competent person to hold an enquiry into any matter relating to any application under this Ordinance and to report to the Governor in Council the result of such enquiry

(8) Any such enquiry shall be held in public and any person interested in the matter under consideration may appear at such enquiry either in person or by agent

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

130 (1) Additional to any other notices to be given concerning the purposes of an intended application, any intending applicant for a Licence (or for an order or for any authority of the Governor-in-Council) by which it is proposed to obtain powers for the compulsory acquisition of land for any of the purposes of a generating station, must give notice by public advertisement not more than ninety days and not less than sixty days before the date of the intended application

(2) Every such advertisement shall be published in each of two successive weeks in the Official Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply, and in any other area concerned in the application, and shall contain the following particulars —

- (a) a short title descriptive of the application
- (b) the date of the intended application
- (c) the name, address and description of the applicant
- (d) a description of the land proposed to be acquired
- (e) a statement of the reasons why the land so described should be acquired by the intending applicant

Procedure on consideration of and granting a Licence

Procedure when land is to be acquired compulsorily

(3) Additional to such notice by public advertisement and within the time specified for its publication, the intending applicant shall serve a notice in writing upon the owners or reputed owners, lessees or reputed lessees and occupiers of all lands to be so acquired as shown on the plan to be deposited with the notice describing in each case the particular lands proposed to be so acquired

(4) Every such notice must state that any of such owners or reputed owners, lessees or reputed lessees or occupiers of any of the lands so described, or any authority, company, person or body of persons desirous of making any representation on or objection to the application or to the grant of the powers applied for must do so by letter addressed to the Governor-in-Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" on or before the expiration of sixty days from the date of the application as stated in the notice, and that a copy of the representation or objection must be forwarded to the applicant

(5) The application may be printed or typed and must be signed or sealed as may be legally necessary, by or on behalf of the applicant and delivered to the Governor-in-Council together with a copy of the plans attached to the notice and with proofs of the publications of the notices by advertisement and of the services of the notices in writing on or before the date stated in the notices as being, and which shall be, the date of the application

(6) The Governor-in-Council, after the expiration of the time named for the making of representations on or objections to the application, shall consider the application and any representation or objection which has been made respecting the same and may refuse or may grant the application with such conditions as he thinks fit

(7) Where the Governor-in-Council authorizes the compulsory acquisition by a licensee of any land for any of the purposes of a generating station, the further proceedings with reference to such compulsory acquisition shall be in accordance with the laws of the Protectorate for the time being in force in that respect

(8) The compulsory acquisition of land for any of the purposes of any generating station shall not be lawful unless application is made in accordance with the provisions of this section

**Procedure on
application for a Licence
to construct a Generating
Station**

131 (1) Additional to any other notices to be given concerning the purposes of an intended application, any intending applicant for a Licence (or for an order or for any authority, consent or approval of the Governor-in-Council) to authorize the construction of a generating station, shall give notice by public advertisement not more than ninety days and not less than sixty days before the application is to be made

(2) Every such advertisement shall be published in each of two successive weeks in the Official Gazette and once at least in each of two successive weeks in some one and the same newspaper circulating in the area or proposed area of supply and in any other area concerned in the application and shall contain the following particulars —

(a) a short title descriptive of the application

(b) the date of the intended application

(c) the name, address and description of the applicant

(d) a description of the land on which the generating station is proposed to be constructed

(e) a description of the machinery proposed to be installed in the generating station, particularly as to the manner in which the provisions of sub-section (1) of section 50 will be complied with

(f) a statement of the hours during which such machinery may be working

(g) a list of places where there exist generating stations for the supply of electrical energy for public and private purposes equipped with similar machinery

(3) Every such notice must state that any authority, company, person or body of persons desirous of making any representation on or objection to the application or with respect to the proposed works must do so by letter addressed to the Governor-in-Council and marked on the outside of the cover enclosing it "Electric Power Ordinance" on or before the expiration of sixty days from the date of the application as stated in the notice, and that a copy of the representation or objection must be forwarded to the applicant

(4) The application addressed to the Governor-in-Council may be printed or typed, and must be signed or sealed, as may be legally necessary by or on behalf of the applicant, and delivered to the Governor-in-Council marked on the outside of the cover enclosing it "Electric Power Ordinance" together with proof of compliance with the provisions relating to the application on or before the date stated in the notice as being and which shall be the date of the application

(5) The applicant must in each case when making the application deposit with it

(a) a plan showing the site and having a three hundred yards radius marked thereon, together with all buildings and structures within such radius

(b) a plan of the elevation of the proposed generating station

(c) a general plan of the proposed works

(6) The Governor-in-Council, after the expiration of the time limited for the making of representations on or objections to the application or with respect to the proposed works, shall consider the application together with every such representation or objection, and after such further enquiry (if any) as he thinks necessary, may refuse or may grant the application on such terms and conditions as he thinks fit

132 (1) Any application may be printed or typed and must be signed or sealed, as may be legally necessary by or on behalf of the applicant and delivered to the Governor-in-Council marked on the outside of the cover enclosing it "Electric Power Ordinance," together with proofs of compliance with the provisions herein contained, relating to the matter of the application, on or before the date stated in the notices (if any) to be given, as being, and which shall be the date of the application

form of application and fees

(2) The Governor-in-Council may by Regulations prescribe the fees or payments to be paid or made by an applicant for or in respect of any application for any Licence or for any authority, consent or approval required under this Ordinance

133 Where the Governor-in-Council

Grant or revocation of a Licence to be advertised

(a) grants any Licence or authorizes the compulsory acquisition of any land or the construction of any generating station or grants any application as in section 125 contemplated, the applicant,

or where no application is made the Governor in Council,

(b) revokes any Licence, authority, consent, or approval either in whole or in part, the Governor,

shall give notice by public advertisement of the grant of the application, or of the revocation, within one month of the grant of the application or of the revocation, as the case may be

134 (1) Subject to any provisions in this Ordinance to the contrary, where under any of the provisions of this Ordinance or a Licence it is provided that any of the works of any 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 condition as to be ready for immediate working and to the

Price of works may be determined by arbitration

suitability of the same for the purposes of the Licence, and where a part only of the undertaking is purchased to any loss occasioned by severance, but without any addition in respect of compulsory purchase, or of goodwill, or of profits which may or might have been made from the works or the undertaking, or for any similar consideration

Provided that any Crown land comprised in the works to be purchased and which has been or is leased or granted for the purposes of the Licence shall be transferred to the new Licensee without payment, therefor, save in respect of any premium or purchase money paid by the former Licensee, and that any land comprised in the works to be purchased which was compulsorily acquired under any Ordinance or the authority of the Governor in Council for the purposes of the Licence shall be valued at the price paid for it on its compulsory acquisition as aforesaid

(2) The Governor-in-Council 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

Arbitration

135 (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 fit person as arbitrator, to be agreed to by the parties to the arbitration, or, failing such agreement by the parties, to be nominated by the Governor-in-Council on the application of either party

Matters for arbitration may be referred to the Governor

(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 may be interpreted or settled by arbitration

Costs of reference or arbitration

(3) The expenses of the arbitration shall be borne and paid as the arbitrator directs

As to mortgages

136 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

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

Agreements made by Licensee invalid unless approved by Governor in Council

137 No agreement entered into by a Licensee relating to the supply of electrical energy shall be valid unless drawn up in terms approved of in writing by the Governor-in-Council

Exception of special motive power agreement of Prior Licensee

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, should be deemed to have been approved by the Governor-in-Council but not as to any renewals of such agreement whether contemplated in such agreement or not

Licensee not to engage in other business

138 (1) (a) 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

(b) In any case where any of a Licensee or Prior Licensee's officers, servants, employees or works engaged, employed or used for or in connection with any of the purposes of his Licence or Prior Licence are engaged employed or used in any way for or in connection with any other business of whatever nature for the purpose of gain to any person, no expenses of any description of any such officers, servants, employees or works shall be charged to the works or accounts or shall be paid out of any money received by or payable to the Licensee or Prior Licensee under his Licence or Prior Licence except in so far as is stated in the Licence or Prior Licence as the case may be or as may be authorized by the Governor-in-Council on application being made in the manner provided by section 125

(2) Provided that the provisions of clause (a) of the preceding sub-section (1) 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-in Council may suspend the provisions of clause (a) of the preceding sub-section (1) from operation in any area or areas, and for such time as he thinks expedient, and provided that in any case where the provisions of clause (a) of the preceding sub-section (1) 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 the intention of the Governor-in-Council 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

139 Any penalty, fee, expenses, or other moneys recoverable under this Ordinance or a Licence, or under the Regulations, the recovery of which is not otherwise specially provided for, shall be a civil debt recoverable summarily

Recovery and application
of penalties

140 Nothing in this Ordinance or a Licence shall exempt the 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 enacted after the granting of a Licence

Provision as to General
Ordinances

141 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 in respect thereof, or of the water thereof, without the previous consent in writing of the Governor-in-Council, neither shall anything in the Licence or this Ordinance contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercisable by His Majesty

Saving rights of the
Crown in the foreshore

142 (1) The Governor-in Council may from time to time make such Regulations as he may think expedient in relation to the use of electrical energy in or on any harbour, river, canal, railway, tramway, 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 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 had in relation thereto

Governor may make
rules

(2) Additional to any Regulations mentioned in this Ordinance, the Governor-in-Council may from time to time make, and when made may amplify, alter, or repeal, Regulations 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 Regulations made under this Ordinance. Any Regulations referred to in this section shall be deemed 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

Regulations to be laid before Legislative Council

143 Any Regulations under this Ordinance made by the Governor-in-Council shall be laid before the Legislative Council at the next ensuing meeting thereof after they are made

Procedure for making Regulations

144 (1) Before making any Regulations under this Ordinance, the Governor-in-Council 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 and of the place where copies of the draft Regulations may be obtained, and of the time (which shall not be less than twenty-eight 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-in-Council

(2) Every objection must be printed typed 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-in-Council 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

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

Enquiries on proposed Regulations

145 (1) The Governor-in-Council 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 in Council 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

(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

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

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

Publication of Regulations

146 (1) The 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 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

(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, and to a daily penalty not exceeding seventy-five rupees

Appointment of a Power Board

147 (1) For any of the purposes of this Ordinance the Governor-in Council may appoint an advisory board (hereafter referred to as the Power Board) to consist of not less than three nor more than seven members

The appointment of any member to the Power Board shall be for a period of two years

(2) The Governor-in-Council may appoint any member of the Power Board to be the chairman thereof

(3) The Power Board shall meet at such times and for such purposes as the chairman may consider necessary

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

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

(6) Any member of the Power Board who has any financial interest in any matter which has been referred to the Power Board for consideration or report shall disclose any such interest to the Power Board and shall not be entitled to vote or take part in the decision of such matter

148 Where any default in, or contravention of any of the provisions of this Ordinance is made for which no penalty is expressly stated, the authority, company, person or body of persons so defaulting or contravening shall be liable to a penalty not exceeding Rs 75/—

149 The provisions of the "Boilers Prime Movers and Machinery Ordinance, 1917" shall not apply to any electric motor of a rated capacity or power of one horse power or less, or, where the rated capacity or power exceeds one horse power, to any electric motor except so as to provide for the protection of any person from any danger arising from the moving part of any such electric motor

150 (1) Whereas owing to the abnormal conditions resulting from the state of war at present existing it may be expedient or necessary to suspend or modify temporarily certain of the provisions as enacted in this Ordinance, it is hereby provided that the Governor-in-Council having due regard to the purposes and intentions of this Ordinance may suspend or modify the following provisions in the manner set out, that is to say —

(a) (i) The restriction enacted in the clause (c) of section 4 may be suspended with respect to any generating works in operation at the time of the enactment of this Ordinance or in any case where a suitable supply from a Licensee is not available

(ii) Where any authority is granted under this section for the execution of works, the authority so granted shall be for such period as having regard to the cost of generation under such authority (which shall be subject to the provisions hereof as to accounts applicable to a Distributing Licence and to a Local Generating Licence) and to the price of a supply when available, from a Licensee, the reduction in the cost of the supply by such Licensee to the public or local authority shall be of such an amount as will equal or exceed the capital charges on any undedeemable capital expended on the works under such authority provided that the works under such authority shall be subject to the conditions as to purchase as if they were works under a Local Generating Licence

(b) Where it is shown to the satisfaction of the Governor-in-Council that by reason of the aforesaid abnormal conditions a Licensee or Prior Licensee is unable to perform the obligations relating to supply incumbent on him under the provisions of this Ordinance or of his Licence or Prior Licence as the case may be, the Governor-in-Council may from time to time by Regulations suspend or modify temporarily any such provision and may specify the supply (if any) to which any consumer shall be entitled or the manner in or time when such supply (if any) shall be given provided that no provision as to the obligations of a Licensee or Prior Licensee to give a supply of electrical energy shall be suspended or modified unless it is shown to the satisfaction of the Governor-in-Council that no other supply, whether within or without the area is available or could be made use of or employed by the Licensee or Prior Licensee for the purposes of his Licence or Prior Licence as the case may be

Penalty when not otherwise expressed

Boilers Prime Movers and Machinery Ordinance, 1917, not to apply in certain cases

Power to suspend or modify provisions on account of war

(c) Notwithstanding the provision of section 69 as to the time when the prices or methods of charge stated in a Licence or approved by the Governor-in-Council may be altered, the Governor-in Council may at any time, on application being made as provided for in section 125 and after such enquiry (if any) as he thinks fit, if he considers that the aforesaid abnormal conditions necessitate such action, make an order varying the prices or methods of charge stated in the Licence or 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 that any price or method of charge stated in a Licence granted during the continuance of the aforesaid abnormal conditions or approved by the Governor-in-Council, or varied or substituted during such period under the provisions of this section may be so altered at any time during the continuance of the said abnormal conditions.

(d) Where any statement is made in this Ordinance as to any time and notices to be given relating to any application to the Governor-in-Council, other than an application for a Bulk Supply Licence or a Distributing Licence or a Local Generating Licence, or for any authority consent or approval relating to the compulsory acquisition of any land or the use of any land for the purposes of a generating station or the alteration of the price of the supply given by a Licensee or Prior Licensee, the Governor-in-Council may if he considers that the exigency of the situation due to the aforesaid abnormal conditions necessitates such action suspend the provision as to time and notices (other than in the cases above mentioned) and substitute such provision as in his discretion he deems fit.

(e) (i) For the purpose of mitigating or ameliorating the effects of the aforesaid abnormal conditions the Governor-in Council may modify the provision contained in clause (a) (1) of section 4, and authorize any public or local authority, company, person or body of persons, not being a Licensee or Prior Licensee to give a supply of electrical energy to a Licensee or Prior Licensee for the purposes of his Licence or Prior Licence.

(ii) Where any such public or local authority, company, person or body of persons so gives a supply they or he shall not be liable to the conditions and penalties for default imposed by this Ordinance or the Regulations on a Licensee or Prior Licensee and the responsibilities and obligations relating to such supply shall be such as may be defined in the agreement to be entered into between any such public or local authority, company, person or body of persons, and the Licensee or Prior Licensee as the case may be.

(iii) A Licensee or Prior Licensee shall not be liable to any penalty for any default in so far as such is by reason of any failure of the supply so given by any public or local authority, company, person or body of persons, not being a Licensee or Prior Licensee.

(iv) Any supply so given may be for such period and on such terms and conditions as may be agreed upon and, with due regard to the objects of this Ordinance and this section, approved by the Governor-in-Council.

(v) Where any application is to be made to the Governor-in-Council relating to any such supply such application may be made by any public or local authority, company, person or body of persons, Licensee or Prior Licensee concerned in the manner specified in section 125 or as may be modified under the provisions of this section.

(f) (i) The Governor-in-Council may also for the purpose of mitigating or ameliorating the effects of the aforesaid abnormal conditions suspend or modify the provisions of section 39 in that respect and authorize a Licensee or Prior Licensee with due regard to his obligations within the area defined in his Licence or Prior Licence as the case may be to give a supply of electrical energy outside of such area provided that the provisions of section 125 as to the application to be made for the authority of the Governor-in-Council as may be modified under the provisions of this section shall be substituted for the provisions of section 126, 127, 128 and 129, relating to an application of the Governor-in-Council for a Licence which would be necessary under normal conditions by the provisions of the said section 39

(ii) Where under the provisions of this section a supply of electrical energy is so given by a Licensee or Prior Licensee outside of the area defined in his Licence or Prior Licence as the case may be, it shall be on such terms and conditions as to price, amount, and manner of taking of the supply, and period for which the supply may be continued as may be agreed upon and approved of by the Governor-in-Council

(2) (a) Where under the provisions of this section any of the provisions or the objects or intentions of this Ordinance are suspended or modified any public or local authority, company, person or body of persons or Licensee who desires the removal or revocation of any such suspension or modification may make an application to the Governor-in-Council with respect thereto

(b) Any such application shall be made in the manner prescribed in section 125 and shall be considered together with any representation thereon or objection thereto as if it was an application under (a) or (b) of sub-section (1) of the said section 125

(c) Where no application as last above mentioned is made the Governor-in-Council may remove or revoke such suspension or modification provided that before doing so the Governor in-Council shall give the notices required to be given by an applicant under section 125 or in the two preceding sub-sections contemplated, stating the provision the suspension or modification of which it is intended to revoke or remove and any other particulars specified in the said section 125 as may be relevant or applicable to the intention of the Governor-in-Council, and shall consider any representation or objection made in accordance with the provision of section 125, concerning the intention of the Governor-in-Council referred to in the notice

(3) Nothing done or omitted to be done under or by virtue of the provisions of this section shall be deemed or construed to invalidate, curtail or prejudice the intentions or purposes of this Ordinance or of any of the provisions thereof as hereinbefore stated

151 Not later than the first day of July in each year the Governor-in Council shall lay before the Legislative Council a report respecting the applications to and proceedings of the Governor-in-Council under the Ordinance during the year then last past

152 The Electricity Act Application Ordinance, 1903, (No 18 of 1903) and any orders of the Governor under the said Ordinance or relating to the generation or supply of electricity or electrical energy are hereby repealed

SCHEDULE

Forms of Accounts to be kept by a Licensee not being a public or local authority as provided by section 42

ELECTRIC POWER ORDINANCE, 1919

• • •

Licence

The

Compan

Statement of Share Capital Appropriated for the Purposes of the Undertaking Authorised by the above-mentioned Licence.

No. I

On the

19

Statement of Loan Capital Appropriated for the Purposes of the Undertaking Authorised by the above-mentioned Licence.

No. II

On the

19

Description of Loan	Amounts Borrowed				Remaining Borrowing Powers	Total Amount of Borrowing Powers	
	At per cent	At per cent	At per cent	Total			
.							

Total Share Capital Paid-up, see No I
, Loan Capital Borrowed, see No II

R

R.

Total Capital received

R₂

CAPITAL ACCOUNT.

No III

For the year ending**Dr.****Cr.**

	Expenditure up to	Expenditure during the Year	Total Expenditure to		Received up to	Received during the Year	Total Receipts to
	Rs	Rs	Rs		Rs	Rs	Rs
To expenditure to 31st December, 19				By ordinary shares of Rs			
Expenditure since that date				„ „ „ „ „ Rs			
1 To lands, including law charges incidental to acquisition				„ preference shares of Rs			
2 To buildings				„ debenture stock			
3 To machinery				„ mortgage and bonds			
4 To hydraulic works				„ amounts received in anticipation of calls			
5 To mains, including cost of erecting or laying the mains				„ sale of patents or patent rights, &c			
6 To transformers, motors, &c				„ other receipts (to be specified)			
7 To meters, and fees for certifying under the Ordinance							
8 To electric instruments, &c.							
9 To general stores (cables, mains, lamps)							
10 To purchase of patents or patent rights							
11 To cost of licence, &c							
12 To other items, (to be specified)							
Total Expenditure							
To balance Capital Account							
	Rs .				Rs ...		

Provision for depreciation of works is made by a debit of Rs . . . , to Revenue Account transferred to Depreciation Fund Account, No V

REVENUE ACCOUNT.

No IV
Dr

For the Year ending

Cr

	Rs	Rs		Rs	Rs
A — To GENERATION OF ELECTRICAL ENERGY					
1 To water or coals or other fuel, including dues, carriage, unloading, storing, and all expenses of placing the same on the works			1 By sale of electrical energy per meter at per Kelvin		
2 To oil, waste, water and engine-room stores			2 By sale under contracts		
3 To proportion of salaries of engineers, superintendents, and officers, as certified by the Managing Director, Chairman, or Engineer			3 By public lighting		
4 To wages and gratuities at generating stations			4 By rental of meters and other apparatus on consumers' premises		
5 To repairs and maintenance as follows —			5 By sale and repairs of lamps, arc or incandescent ..		
Buildings	Rs		By sale and repairs of other apparatus		
Hydraulic works (Dams, Flumes, Gates, etc.)	[Redacted]		6 By royalties, Licenses, &c		
Engines, boilers	[Redacted]		7 By rents receivable		
DYNAMOS, exciters, transformers, motors, etc	[Redacted]		8 By transfer fees		
Other machinery, instruments, and tools	[Redacted]		9 By other items (to be specified)		
Accumulators and accessories	[Redacted]				
Less received for old material	[Redacted]				
6 To special items					
B — To ELECTRICAL ENERGY PURCHASED					
1 From Bulk Supply Licensee					
2 From Local Generating Licensee					
C — To DISTRIBUTION OF ELECTRICAL ENERGY					
1 To proportion of salaries of superintendents and officers, as certified by Managing Director, Chairman or Engineer					
2 To wages and gratuities to linesmen, fitters, labourers					
Carried forward Rs			Carried forward Rs		

REVENUE ACCOUNT—Continued.

No IV—(Contd.)

For the Year ending

Dr.**Cr.**

	Rs	Rs		Rs	Rs
Brought forward Rs				Brought forward Rs	
3 To repairs, maintenance, and renewals of mains of all classes, including materials and erecting or laying the same					
Less amounts refunded					
4 To repairs maintenance and renewals of transformers, meters, switches, fuses, and other apparatus on consumers' premises					
5 To repairs, maintenance, and renewals of apparatus at distributing stations					
D — To PUBLIC LAMPS					
1 To attending and repairs					
2 To renewals of lamps					
E — To ROYALTIES, &c					
To Royalties, &c, payable for use of patents or patent processes, (to be specified)					
F — To RENTS, RATES AND TAXES					
1 To rents payable (to be specified)					
2 To rates and taxes (to be specified)					
G — To MANAGEMENT EXPENSES					
1 To Directors' remuneration					
2 To salaries of Managing Engineers, Secretary, Accountants, Clerks, Messengers, as certified by Managing Director, Chairman, or Engineer					
3 To salaries or commissions of Collectors					
4 To stationery and printing					
5 To general establishment charges					
6 To Auditors of Company					
7 To Auditor appointed under the provisions of the Licence					
Carried forward Rs				Carried forward Rs	

REVENUE ACCOUNT.—Continued.

No IV—(Contd.)

*For the Year ending***Dr****Cr**

	Rs	Rs		Rs	Rs
Brought forward Rs				Brought forward	
H —To LAW &C , CHARGES					
1 To law expenses					
I —To DEPRECIATION					
1 To depreciation at Generating Station in respect of leasehold works					
2 To depreciation at generating station in respect of buildings					
3 To depreciation at generating station in respect of hydraulic works					
4 To depreciation at generating station in respect of generating machinery apparatus, etc					
5 To depreciation on Transmitting Distributing, etc , works in respect of leasehold works					
6 To depreciation on Transmitting Distributing, etc , works in respect of buildings					
7 To depreciation on Transmitting Distributing, etc , works in respect of machinery apparatus, etc					
J —To SPECIAL CHARGES					
1 To insurances superannuation, &c					
2 To expenses for certification of meters					
Total Expenditure					
Balance carried to net revenue					
	Rs				Rs.

DEPRECIATION FUND ACCOUNT.

No. V.

Dr.**Cr**

	Rs		Rs
1 To balance		1 By balance from last account	
		2 By interest on investments (Description of Investments to be specified)	
		3 By amount brought from revenue account (No IV I)	
	Rs.		Rs.

NET REVENUE ACCOUNT.

No. VI.

Dr

Cr.

	Rs		Rs	Rs	Rs
1 To interest on debentures accrued due to date		1 By balance from last account			
2 To interest on mortgages and bonds accrued due to date		Less dividend paid			
3 To interest on temporary loans accrued due to date		By amount carried to reserve fund			
4 To dividend on preference stocks		2 By balance brought from revenue account (No IV)			
5 To balance applicable to dividend on ordinary stock or shares		3 By interest on money at deposit			
	Rs ..		Rs. ...		

RESERVE FUND ACCOUNT. (If provided)

No VII

Dr

Cr.

	Rs		Rs
1 Amount paid out for		1 By balance brought from last account	
2 Amount of balance to next account		2 By amount brought from net revenue account	
		3 By interest on amount invested	
		(Description of Investments to be specified)	
	Rs.		Rs

GENERAL BALANCE SHEET.

No VIII

Dr

Cr.

LIABILITIES		Rs	ASSETS	
1 To capital account	Amount received as per Account No III		1 By capital	Amount expended for works as per Account No III
2 To sundry tradesmen and others, due on construction of plant and machinery, fuel, stores, &c., to	19		2 By stores on hand at	19
3 To sundry creditors on open accounts			Coal or other fuel	
4 To net revenue account	balance at credit thereof		Oils, waste, &c.	
5 To reserve fund account (if provided)			General	
6 To depreciation fund account			3 By sundry debtors for amounts paid on account of contracts in course of completion	
7 To other items (to be specified)			4 By preliminary expenses	
			5 By sundry debtors for electrical energy supplied to	19
			6 By other debtors	
			7 By other items (to be specified)	
			8 By cash at bankers —	
			Messrs. ..	
			Messrs	
			Messrs (amount on deposit)	
			9 By cash in hand	
		Rs ...		Rs. ..

STATEMENT OF ELECTRICAL ENERGY GENERATED, PURCHASED, SOLD, Etc.

No IX

Forms of Accounts to be kept by a Licensee being a public or local authority as provided by section 42

ELECTRIC POWER ORDINANCE 1919.

..... Licence

(Name of public or local authority)

No. I

Year ending

19

Statement as to Loans Authorized for the purposes of the above mentioned Licence prior to

CAPITAL ACCOUNT.

No. II.

For the Year ending . . .

Dr**Cr.**

	Total Expenditure to	Expenditure during the Year	Total Expenditure up to		Receipts up to	Received during the Year	Total Receipts to
	Rs	Rs	Rs		Rs	Rs.	Rs
To EXPENDITURE TO EXPENDITURE SINCE THAT DATE				1 By amount raised by Loans 2 By sale of patents or patent rights, etc 3 By value of lands belonging to authority appropriated for electrical purposes 4 By value of surplus lands sold 5 By other receipts (to be specified)			
1 To lands, including law charges incidental to acquisition							
2 To value of lands appropriated for electrical purposes, as per <i>contra</i>							
3 To buildings							
4 To machinery							
5 To hydraulic works							
6 To mains, including cost of erecting or laying the mains and services							
7 To transformers, motors, etc							
8 To meters, and fees for certifying under the Ordinance							
9 To electrical instruments, etc							
10 To general stores (cable, mains, lamps)							
11 To purchase of patents or patent rights							
12 To transfer to sinking fund of value of lands sold, as per <i>contra</i>							
13 To amount applied to the reduction of principal of borrowed money from value of lands sold, as per <i>contra</i>							
14 To other items (to be specified)							
Total expenditure							
To balance of Capital Account							

Provision for depreciation of works is made by a debit of Rs

, to Revenue Account transferred to Depreciation Fund Account No IV

REVENUE ACCOUNT.

No III

For the Year ending..

REVENUE ACCOUNT.—*Continued.*

No III (Contd.)

Dr**Cr**

	Brought forward	Rs	Rs		Brought forward	Rs	Rs
D — To PUBLIC LAMPS							
1 To attending and repairs							
2 To renewals of lamps							
E — To ROYALTIES, ETC							
1 To royalties, etc., payable for use of patents or patent processes (to be specified)							
F — To RENTS, RATES AND TAXES							
1 To rents payable (to be specified)							
2 To rates and taxes (to be specified)							
G — To MANAGEMENT EXPENSES							
1 To salaries, viz —							
Engineers' Department							
Accountant and Clerical Staff							
2 To Salaries or commissions of Collectors							
3 To stationery and printing							
4 To general establishment charges							
H — To LAW, ETC, CHARGES							
1 To law expenses							
Carried forward					Carried forward		

REVENUE ACCOUNT.—*Continued.***Dr.****Cr.**

	Brought forward	Rs	Rs	Brought forward	Rs	Rs
I — To DEPRECIATION						
1 To depreciation at Generating Station in respect of leasehold works						
2 To depreciation at Generating Station in respect of buildings						
3 To depreciation at Generating Station in respect of hydraulic works						
4 To depreciation at Generating Station in respect of generating machinery, apparatus, etc						
5 To depreciation on Transmitting Distributing, etc, works in respect of leasehold works						
6 To depreciation on Transmitting Distributing, etc, works in respect of buildings						
7 To depreciation on Transmitting Distributing, etc, works in respect of machinery, apparatus, etc						
J — To SPECIAL CHARGES						
1 To insurances, etc						
2 To expenses for certification of meters						
Total expenditure						
Amount carried to net revenue account to provide for bad debts						
Balance carried to net revenue account						
	Rs .					Rs

No V

NET REVENUE ACCOUNT.

Dr.**Cr.**

	Rs		Rs.
1 To interest on mortgage debt accrued due to date		1 By balance from last account	
2 To instalments of principal of money borrowed		2 By balance brought from Revenue Account (No III)	
3 To amount transferred to sinking fund where such fund is authorised by the Licence		3 By interest on money at deposit	
4 To expenses of executing the Licence not included in III, and not chargeable to capital			
5 To payments to reserve fund			
To balance carried forward	Rs .		Rs. . .

No VI

SINKING FUND ACCOUNT.

Dr.**Cr.**

	Stock	Rs	Stock	Rs
1 To amount paid for purchase of (nature of investment to be specified)			1 By balance brought from last account	
2 To stock sold during period of account			2 By amount brought from depreciation fund account	
3 To amount of principal of borrowed money repaid			3 By amount brought from Net Revenue account	
To amount of balance to next account	Rs .		4 By interest on investments (Description of investments to be specified)	
			5 By value of lands transferred from Account II	
			6 By amount realised by sale of stock (nature of stock to be specified)	
			7 By stock purchased ...	
				Rs

No. IV

DEPRECIATION FUND ACCOUNT.

Dr.**Cr.**

	Rs.		Rs.
1 To amount transferred to sinking fund where such fund is authorized by the Licence		1 By balance from last account	
2 To balance		2 By interest on investments (Description of investments to be specified)	
		3 By amount brought from revenue account (No. III I)	
	Rs		Rs. ...

No VII

RESERVE FUND ACCOUNT.

Dr.**Cr.**

	Stock Rs	Rs		Stock Rs	Rs
1 To amount paid for purchase of (nature of investment to be specified)			1 By balance brought from last account		
2 To stock sold			2 By amount transferred from Net Revenue Account		
3 To sum transferred to Revenue Account			3 By stock purchased		
To amount of balance to next account			4 By amount realised, by sale of stock (nature of stock to be specified)		
	Rs		6 By interest on amount invested (Description of investments to be specified)		
				Rs	

No VIII

GENERAL BALANCE SHEET.

Dr.**Cr.**

LIABILITIES	Rs	ASSETS	Rs.
1 To capital account Amount received as per Account No II		1 By capital account Amount expended for works as per Account No II	
2 To sundry tradesmen and others, due on construction of plant and machinery, fuel stores, etc, to		2 By Stores on hand at Coal or other fuels	Rs
3 To sundry creditors on open accounts		Oils, waste, etc	
4 To net revenue account Balance at credit thereof		General	
5 To depreciation fund account		3 By sundry debtors for amounts paid on account of contracts in course of completion	
6 To sinking fund account		4 By sundry debtors for electrical energy supplied to	
7 To reserve fund account		5 By other debtors	
8 To other items (to be specified)		6 By securities held (cost price) (Description of securities to be specified)	
		7 By other items (to be specified)	
		8 By cash with Treasurer	Rs
		9 By cash in hand	
	Rs .		Rs

STATEMENT OF ELECTRICAL ENERGY GENERATED, PURCHASED, SOLD, Etc.

No IX

Quantity Purchased (in Kelvins)	Quantity generated (in Kelvins)	Total of Quantities Purchased and generated (in Kelvins)	Quantity sold				Quantity used on Works	Total Quantity accounted for	Quantity not accounted for	Number of public Lamps	Total Maximum Supply demanded
			Public Lamps	By Contract	Private Consumers (by Meter)	Total sold					

PROCLAMATION No 39

MEETING OF LEGISLATIVE COUNCIL

PROCLAMATION

I, Charles Calvert Bowring, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Distinguished Order of Saint Michael and Saint George, Acting Governor of the East Africa Protectorate, in exercise of the powers vested in me by instructions under the Royal Sign Manual and Signet, dated the 4th day of September, 1919, do hereby direct that a Session of the Legislative Council be held in the Railway Institute, Nairobi, commencing on Monday the 3rd day of May, 1920, at 10 a.m.

Given under my hand at Nairobi, this 19th day of April, 1920

C C BOWRING,
Acting Governor

GOD SAVE THE KING

PROCLAMATION No 40

THE DISEASES OF ANIMALS
ORDINANCE, 1906

PROCLAMATION

IN EXERCISE of the powers thereunto enabling me I hereby declare the following Farms in the Naivasha Province to be infected Contagious Bovine Pleuro-pneumonia areas for the purposes of the aforesaid Ordinance

Farm No 425/2/26, Dr Forbes, Laikipia District

Farm No 425/2/22, Messrs Lomax & White, Laikipia District

Given under my hand at Nairobi this 13th day of April, 1920

W KENNEDY,
Acting Chief Veterinary Officer

GOVERNMENT NOTICE No 131

THE DISEASES OF ANIMALS
ORDINANCE, 1906

RULES

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Ordinance, 1906 His Excellency the Acting Governor has been pleased to make the following Rules —

1 These Rules may be cited as "The Diseases of Animals Amendment Rules, 1920," and shall be read as one with the Diseases of Animals Rules, 1918, hereinafter referred to as "the Principal Rules" and all amendments thereof

2 Rule 25 of the Principal Rules is hereby amended as follows —

(a) In line three of the said Rule for the words "Nyanza Province" shall be substituted the words "Native Reserves"

(b) In clause (1) of the said Rule the words "or Keru" shall be deleted where they occur and the words "Kibigon or" shall be inserted before the words "Fort Ternan" where they occur

By command of His Excellency the Acting Governor

Nairobi,

The 14th day of April, 1920

G A S NORTHCOTE,
for Acting Chief Secretary

GOVERNMENT NOTICE No 132

THE EAST AFRICA TOWNSHIPS
ORDINANCE, 1903

RULES

IN EXERCISE of the powers conferred upon him by the East Africa Townships Ordinance, 1903, His Excellency the Acting Governor has been pleased to make the following Rules —

1 Where in any Rules issued under the East Africa Townships Ordinance, 1903, and applied to the Mombasa Township, the words "Conservancy Superintendent" are used, the words "Medical Officer of Health and/or District Commissioner" shall be substituted therefor. For the purposes of this Rule the words "District Commissioner" shall be taken to include "Assistant District Commissioner"

By command of His Excellency the Acting Governor

Nairobi,

The 14th day of April, 1920

G A S NORTHCOTE,
for Acting Chief Secretary

GOVERNMENT NOTICE No 133

THE BRANDING OF STOCK ORDINANCE, 1907

RULES

IN EXERCISE of the powers conferred upon him by the Branding of Stock Ordinance, 1907, His Excellency the Acting Governor has been pleased to make the following Rules —

1 These Rules may be cited as "The Branding of Stock Amendment Rules, 1920," and shall be read as one with the Branding of Stock Rules, 1918, published on page 274 of the "Official Gazette" for the year, 1918, hereinafter referred to as "the Principal Rules"

2 The schedule annexed to the Principal Rules is hereby revoked, and the schedule annexed hereto is substituted therefor

By command of His Excellency the Acting Governor

Nairobi,

This 15th day of April, 1920

G A S NORTHCOTE,
for Acting Chief Secretary

SCHEDULE

MESSRS HAWLEY & CO, NAIROBI

Size	1 Letter	2 Letters	3 Letters
1" to 1 $\frac{3}{4}$ "	Rs 7/-	Rs 10/-	Rs 15/-
2" to 3"	Rs 8/-	Rs 9/-	Rs 15/-

GOVERNMENT NOTICE No 134

THE INDIAN POST OFFICE ACT, 1898,

AND

THE POST OFFICE AMENDMENT
ORDINANCE, 1919

RULES

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Protectorate, and the Post Office Amendment Ordinance, 1919, and all other powers him thereunto enabling, His Excellency the Acting Governor in Council has been pleased to make the following Rules —

1 These Rules may be cited as "The Foreign Postal and Money Order Amendment Rules, 1920," and shall be read as one with "The Foreign Postal and Money Order Rules (No 2), 1920," hereinafter referred to as "the Principal Rules"

2 The suspension prescribed by Rule 2 of the Principal Rules, published in the Special "Official Gazette" of February 21st, 1920, is hereby raised in respect of the Tanganyika Territory, and all Rules heretofore made pursuant to the provisions of the said Act and Ordinance, or howsoever otherwise, so far as applicable, relating to the issue by the Post Office of Foreign Money Orders expressed in rupee currency shall be in full force and operation in respect of such Territory as from the date hereof.

By command of His Excellency the Acting Governor-in-Council

Nairobi,

The 12th day of April, 1920

H. MALPASS
Clerk to the Executive Council

GOVERNMENT NOTICE No 135

INDIAN POST OFFICE ACT OF 1898

RULES

IN EXERCISE of the powers conferred on the Governor-in-Council by the Indian Post Office Act, 1898, Section 43 (2) (c), His Excellency the Acting Governor has been pleased to make the following Rules —

1 These Rules may be cited as "The Foreign Money Order Rules (No 3), 1920."

2 The existing rates of commission upon Money Orders issued upon the Union of South Africa, or negotiated with other countries through that Administration are hereby amended by substituting the following rates —

	Commission
For every complete £1	75 cents
For fractions of £1, whatever the amount of the order	15 cents for every 4s or fraction of 4s

3 These Rules shall come into operation on the 21st day of April, 1920.

By command of Excellency the Acting Governor
20th April, 1920

W. J. MONSON,
Acting Chief Secretary

GOVERNMENT NOTICE No 136

AT THE COURT AT BUCKINGHAM PALACE,

The 9th day of February, 1920

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

Lord President

Earl Curzon of Kedleston

Lord Colebrooke

Sir Frederick Ponsonby

WHEREAS by reason of conditions arising out of the war difficulties have been experienced by citizens of the United States of America in complying with the requirements of the Copyright Act, 1911, as to first publication within the parts of His Majesty's Dominions to which the Act extends of their works first published in the United States of America during the war;

And whereas His Majesty is advised that the Government of the United States of America has undertaken, upon issue of this Order, to extend the protection afforded by the United States Law of December 18, 1919, entitled "An Act to amend Sections 8 and 21 of the Copyright Act, approved March, 4, 1909," to British subjects;

And whereas by reason of the said undertaking of the Government of the United States of America His Majesty is satisfied that the said Government has made, or has undertaken to make such provision as it is expedient to require for the protection of

works first made or published between the 1st August, 1914, and the termination of the war in the parts of His Majesty's Dominions to which this Order applies, and entitled to copyright under Part I of the Copyright Act, 1911.

And whereas by the Copyright Act, 1911, authority is conferred upon His Majesty to extend, by Order in Council, the protection of the said Act to certain classes of foreign works within any part of His Majesty's Dominions, other than self governing Dominions, to which the said Act extends;

And whereas by reason of these premises it is desirable to provide protection within the said Dominions for literary or artistic works first published in the United States of America between August 1, 1914, and the termination of the war which have failed to accomplish the formalities prescribed by the Copyright Act, 1911, by reason of conditions arising out of the war;

Now, THEREFORE, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows —

1 The Copyright Act 1911, shall, subject to the provisions of the said Act and of this Order, apply to works first published in the United States of America between the 1st August, 1914, and the termination of the war, which have not been republished prior to the commencement of this Order in the parts of His Majesty's Dominions to which this Order applies, in like manner as if they had been first published within the parts of His Majesty's Dominions to which the said Act extends.

Provided that the enjoyment by any work of the rights conferred by the Copyright Act, 1911, shall be conditional upon publication of the work in the Dominions to which this Order relates not later than six months after the termination of the war, and shall commence from and after such publication, which shall not be colourable only, but shall be intended to satisfy the reasonable requirements of the public.

2 The provisions of Section 15 of the Copyright Act, 1911, as to the delivery of books to libraries, shall apply to works to which this Order relates upon their publication in the United Kingdom.

3 In the case of musical works to which this Order relates and provided that no contrivances by means of which the work may be mechanically performed have before the commencement of this Order been lawfully made, or placed on sale, within the parts of His Majesty's Dominions to which this Order applies copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls and other contrivances by means of which the work may be mechanically performed.

4 This Order shall apply to all His Majesty's Dominions Colonies and Possessions with the exception of those hereinafter named that is to say —

The Dominion of Canada,
The Commonwealth of Australia,
The Dominion of New Zealand
The Union of South Africa,
Newfoundland

5 Nothing in this Order shall be construed as depriving any work of any rights which have been lawfully acquired under the provisions of the Copyright Act, 1911, or any Order in Council thereunder.

6 This Order shall take effect as from the 2nd day of February 1920, which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

ALMERIC FITZROY

GOVERNMENT NOTICE No 137
LEGISLATIVE COUNCIL
APPOINTMENTS

HIS Excellency the Acting Governor has been pleased to make the following appointments —

To be temporarily a nominated Official Member of the Legislative Council in the place of MR CHARLES WILLIAM HOBLEY, C M G , absent on leave —

MR CHARLES ROBERT WILLIAM LANE

To be temporarily a nominated Official Member of the Legislative Council in the place of MR IVON LLEWELLYN OWEN GOWER, while sitting as an Ex-officio Member —

MR HENRY WILLIAM BUTLER BLACKALL

GOVERNMENT NOTICE No 138
AWARD OF THE AFRICAN POLICE MEDAL
FOR MERITORIOUS SERVICE

HIS Excellency the Acting Governor has been pleased to award the African Police Medal for Meritorious Service to the undermentioned Police Officers in recognition of long service which has been marked by exceptional ability and merit —

2nd Grade Sub Inspector, ABDULLA MBARAK
544, 2nd Grade Sergeant, KOMBO OMARI
798, 3rd Grade Sergeant, ALI ABDULLA
924, Corporal, MBILI BIN ABDULLA
802, Corporal, SALEH BIN MUSA
1342, Corporal, KHAJE KHALIL

Nairobi,
20th April, 1920

G A S NORTHCOTE,
for Acting Chief Secretary

GOVERNMENT NOTICE No 139
SWAHILI EXAMINATION

THE following officer has been successful in passing the Lower Standard Swahili examination

H E LAMBERT, Temporary Assistant District Commissioner

Nairobi,
13th April, 1920

G A S NORTHCOTE,
for Acting Chief Secretary

GOVERNMENT NOTICE No 140
APPOINTMENTS

HIS EXCELLENCE the Acting Governor has been pleased to make the following appointments —

To be Acting District Commissioner, Vanga District —

HENRY EDWARD LAW BRAILSFORD, with effect from the 8th April, 1920

To be Assistant District Commissioner, Nyika District —

WILLIAM SYDNEY MARCHANT, with effect from the 10th April, 1920

To be Acting District Commissioner-in-Charge, Tanaland Province —

HUGH CHARLES CUMBERBATCH, with effect from the 9th April, 1920

To be Acting Chief Storekeeper, Public Works Department, Mombasa —

ALFRED ERNEST HOLY, with effect from 1st April, 1920

GOVERNMENT NOTICE No 141
THE NATIVE TRIBUNAL RULES, 1913
NOTICE

IN EXERCISE of the powers thereunto enabling me, I hereby give notice that the Council of Elders specified in the Schedule annexed is recognized for the purposes of the above Rules

Nairobi,

April 13th, 1920

JOHN AINSWORTH,
Chief Native Commissioner

SCHEDULE

List of Native Councils in Ukamba Province, Nairobi District

Name of President	Locality in which Council shall exercise jurisdiction
Lali bin Ahamed	Village of "Mombasa"
Juma bin Mbwana	Village of "Pangani"
Mambo Sasa bin Musa	Kileleshwa

GOVERNMENT NOTICE No 142
THE NATIVE TRIBUNAL RULES, 1913

NOTICE

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the following person named in the Schedule annexed hereto to be Headman and President of Council for the area named therein

Nairobi,

April 14th, 1920

JOHN AINSWORTH,
Chief Native Commissioner

SCHEDULE

Name	Rank	Location	District	Province	Remarks
Masabo wa Mwachinje	President of Council	Bura	Voi Taita	Seyidie	vice Mwanjile wa Mbogoli resigned

GOVERNMENT NOTICE No 143
THE NATIVE AUTHORITY ORDINANCE,
1912

NOTICE

IN EXERCISE of the powers thereunto enabling me, I hereby appoint the following persons named in the Schedule annexed hereto to be Official Headmen for the areas named therein

Nairobi,

April 13th, 1920

JOHN AINSWORTH,
Chief Native Commissioner

SCHEDULE

Name	Rank	Location	District	Province
Lali bin Ahamed	Headman	Mombasa Village	Nairobi	Ukamba
Juma bin Mbwana	,	Village of Pangani	"	"
Mambo Sasa bin Musa	"	Kileleshwa	"	"

GENERAL NOTICE No 408

IN H M HIGH COURT OF EAST AFRICA,

AT NAIROBI

INSOLVENCY JURISDICTION

CAUSE No 13 of 1919

IN THE MATTER OF HARIRAM DESRAJ, INSOLVENT

TAKE NOTICE that by an order dated the 14th day of April, 1920, RADHA KISHEN, was appointed Receiver of the above estate in place of MOOLCHAND GANESHDASS

Nairobi,

Dated this 14th day of April, 1920

J F ST A FAWCETT,
Registrar

GENERAL NOTICE No 409

IN H M HIGH COURT OF EAST AFRICA,
AT NAIROBI

INSOLVENCY JURISDICTION

CAUSE No 34 of 1919

IN THE MATTER OF R A NAZARETH, INSOLVENT

WHEREAS the Receivers in the above cause have rejected the claims of the undermentioned claimants It is hereby notified that the 29th day of April, 1920, at 10 a m, has been fixed for the respective claimants to show cause why the said claims should not be rejected

If no appearance on that date at the hour aforesaid is made by anyone concerned, the Court will proceed of its own motion to deal with the matter without further notice

Claimants	Amount disallowed by Receivers	
	Rs	Cts
A Anderson & Co, Kisumu	6,838	29
D H L Sargent Mombasa	75	00
Ungu Ltd, Nairobi	164	75
Receivers of J A Nazareth, Nairobi	107,078	66
Laloo Saglam, Nairobi	449	93
R Alvaris, Nairobi	3 355	00
Town Clerk, Nairobi	208	50

Nairobi,

17th April, 1920

J F ST A FAWCETT
Registrar

GENERAL NOTICE No 410

IN H M HIGH COURT OF EAST AFRICA,
AT NAIROBI

INSOLVENCY JURISDICTION

CAUSE No 16 of 1920

IN THE MATTER OF SABUR S/O JETHA

EX PARTE THE DEBTOR

NOTICE is hereby given that the petition of the above named debtor SABUR S/O JETHA of Kisumu, for an order adjudicating him an insolvent under the Provincial Insolvency Act (No III of 1907) will be heard at Nairobi on the 15th day of May, 1920, at 10 a m

Nairobi,

Dated this 16th day of April, 1920

J F ST A FAWCETT,
Registrar

GENERAL NOTICE No 411

IN H M HIGH COURT OF EAST AFRICA,
AT NAIROBI

PROBATE AND ADMINISTRATION

CAUSE No 17 of 1920

NOTICE OF APPLICATION FOR ADMINISTRATION OF ESTATE
OF FREDERICK NORMAN, LATE OF NAIROBI, DECEASED

TAKE NOTICE that application having been made in this Court by GERTRUDE NORMAN of Nairobi for the administration of the estate of FREDERICK NORMAN, late of Nairobi, who died at Nairobi on the 29th day of January, 1920 this Court will proceed to make a decree in the same unless cause be shown to the contrary and appearance in this respect entered on or before the 5th day of May, 1920

Nairobi,

16th April 1920

JOSEPH SHERIDAN,
Acting Judge

GENERAL NOTICE No 412

PROBATE AND ADMINISTRATION

ADMINISTRATOR GENERAL'S CAUSE NO 34 OF 1920

IN THE MATTER OF CHAGANLAL VIRCHAND, DECEASED

To all whom it may concern

PURSUANT to an order of the High Court of East Africa dated the 15th day of April, 1920, by which the undersigned was appointed Administrator of the estate of the late CHAGANLAL VIRCHAND, who died at Kariana (India) in or about the month of October, 1918,

TAKE NOTICE that all persons having any claims against the estate of the said CHAGANLAL VIRCHAND, are required to lodge and prove such claims before me the undersigned on or before the 21st day of June, 1920, after which date only the claims so proved will be paid and the estate distributed according to law

Mombasa,

16th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 413

PROBATE AND ADMINISTRATION

CAUSE No 47 of 1920

IN THE MATTER OF CHUNILAL TRIBHOBANDAS, DECEASED

To all whom it may concern

TAKE NOTICE that all persons having any claims against the estate of the above named CHUNILAL TRIBHOBANDAS, who died at Kericho on the 15th day of November, 1918, are required to prove such claims before me the undersigned on or before the 21st day of June, 1920, after which date the claims so proved will be paid and the estate distributed according to law

Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 414

PROBATE AND ADMINISTRATION

CAUSE No 53 of 1920

IN THE MATTER OF JAGANATH, DECEASED

To all whom it may concern

TAKE NOTICE that all persons having any claims against the estate of the above named JAGANATH, who died at Kisumu on the 13th day of November, 1918, are required to prove such claims before me the undersigned on or before the 21st day of June, 1920, after which date the claims so proved will be paid and the estate distributed according to law

Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 415

PROBATE AND ADMINISTRATION

CAUSE No 54 of 1920

IN THE MATTER OF CHATTER SINGH RALLA, DECEASED

To all whom it may concern

TAKE NOTICE that all persons having any claims against the estate of the above named CHATTER SINGH RALLA, who died at Nairobi on the 28th day of October, 1919, are required to prove such claims before me the undersigned on or before the 21st day of June, 1920, after which date the claims so proved will be paid and the estate distributed according to law

Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 416

PROBATE AND ADMINISTRATION

CAUSE No 56 of 1920

IN THE MATTER OF J D M J VAZ, DECEASED

To all whom it may concern

TAKE NOTICE that all persons having any claims against the estate of the above named J D M J VAZ, who died at Nairobi on the 4th day of February, 1920, are required to prove such claims before me the undersigned on or before the 21st day of June, 1920, after which date the claims so proved will be paid and the estate distributed according to law

Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 417

PROBATE AND ADMINISTRATION

CAUSE No 58 OF 1920

IN THE MATTER OF FEROZE DIN AMIR DIN, DECEASED
To all whom it may concern

TAKE NOTICE that on or after the 5th day of May, 1920, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named FEROZE DIN AMIR DIN, who died at Nairobi on the 18th day of July, 1918
Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 418

PROBATE AND ADMINISTRATION

CAUSE No 59 OF 1920

IN THE MATTER OF MOHAMED ALI s/o IMAM DIN,
DECEASED

To all whom it may concern

TAKE NOTICE that on or after the 5th day of May, 1920, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named MOHAMED ALI s/o IMAM DIN, who died at Nairobi on the 9th day of November, 1918
Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 419

PROBATE AND ADMINISTRATION

CAUSE No 60 OF 1920

IN THE MATTER OF KASSAM BEG s/o AHMED BEG,
DECEASED

To all whom it may concern

TAKE NOTICE that on or after the 5th day of May, 1920, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named KASSAM BEG s/o AHMED BEG, who died on the 15th day of October, 1918
Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 423

NOTICE

PROVISIONAL CAUSE LIST OF CASES FOR MAY (1920) HIGH COURT SESSIONS

HIS Honour the Acting Chief Justice will proceed on Circuit and hold sitting, of the High Court at the places on the dates herein below mentioned

Kisumu, 10th May, 1920.

High Court Criminal Case No 78/19 Rex
" " " 92/19 "
" , " 93/19 "
" " " 4/20 "
" " " 10/20 "
" " " 21/20 "
" " " 23/20 "
" " " 24/20 "
" " " 32/20 "

" Kitubo Nyagiria
" Otanga s/o Simboun
" Osuru s/o Anyona
" Chemoba Arap Manitimu
" Olardai s/o Nambasu
" 1 Kadenya s/o Chogeya 2 Omanyio s/o Omeya 3 Mukuli s/o Emokodi
" 1 Wanduassi s/o Nambaffu 2 Wasiruwa s/o Mwango
" Otieno s/o Ougo
" Juma bin Marinda

KISUMU DISTRICT REGISTRY CIVIL CASES —

No 23/17 Ismail Shamji
" 82/19 (Objection Proceedings)
" Gordhanbai Khushalbai & Co
" 7/20 Jalal Din
" 8/20 Salim bin Abdulrehman
" 14/20 Hasham Jamal & Co
" 15/20 Kanji Dharamshi & Co
" 1/20 Imamdin Mahomed

vs Kassam Premji
" Shivabhai G Patel
" Narshi Hansraj & Co
" Mana binti Abdulla
" Mahomed bin Sayad
" Harilal Dewshi administrator of Purshottan Dewshi, deceased
" Mahomed Din Noordin

NAIROBI DISTRICT REGISTRY CIVIL CASE —
No 597/19 Sheikh Noordin Goolmohamed
" 577/19 Awadan

vs Magan Jetha
" Mahbabgul and Mamaigul

Nakuru, 17th May, 1920.

High Court Criminal Case No 13/20 Rex
" , " , 31/20 "

vs Kilima Kiu
" Tolwech Wero Munio

Mombasa,

B STCNE,

Deputy Registrar, High Court, E A P

17th April, 1920

GENERAL NOTICE No 420

PROBATE AND ADMINISTRATION

CAUSE No 61 OF 1920

IN THE MATTER OF GULAM MOHAMED s/o ALI MOHAMED,
DECEASED

To all whom it may concern

TAKE NOTICE that on or after the 5th day of May, 1920 I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named GULAM MOHAMED s/o ALI MOHAMED, who died at Nairobi on the 14th day of November, 1918
Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 421

PROBATE AND ADMINISTRATION

CAUSE No 63 OF 1920

IN THE MATTER OF BAGH DIN s/o MUSTA KIM, DECEASED
To all whom it may concern

TAKE NOTICE that on or after the 5th day of May, 1920, I intend to apply to the High Court of East Africa at Mombasa for an order to administer the estate of the above named BAGH DIN s/o MUSTA KIM, who died at Nairobi on the 12th day of December, 1918
Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 422

ADMINISTRATOR GENERAL'S DEPARTMENT,
NAIROBI

THE Ex-officio Agent for the Administrator General at Nairobi, will in future only be able to interview persons wishing to see him between the hours of 1-30 and 3-30 in the afternoon Saturdays excepted

Mombasa,

12th April, 1920

J W H PARKINSON,
Administrator General

GENERAL NOTICE No 362

HIGH COURT SESSIONS

NOTICE

HIS Honour the Acting Chief Justice will proceed on circuit and hold sittings of the High Court at Kisumu and Nakuru on 10th and 17th May, 1920, respectively

Nairobi,

Dated this 26th day of March, 1920

J F ST A FAWCETT,
Registrar, High Court, E A, P

GENERAL NOTICE No 424

SOUTHERN LIFE ASSOCIATION
LOST POLICY

POLICY 10912, dated 13th September, 1905, for the sum of £500, on the life of FRANCIS CUNNINGHAM ALLSOPP Application having been made for a duplicate of the above Policy, the original being lost, notice is hereby given

that unless the said original Policy be produced at this office within three months from date hereof, an official copy will be issued

By Order of the Board
The Nairobi Board of Executors and
Trust Company, Ltd., Local
Agents for B E A

Trust Chamber, Nairobi
20th April, 1920

GENERAL NOTICE No 425

THE DISEASES OF ANIMALS
ORDINANCE, 1906

APPOINTMENTS

To be Honorary Permit Issuers —

MR E HOCKLEY, Mulla, Naivasha, vice MR J A HOPCRAFT, who is proceeding to England
MR A M ROBERTSON, Eldoret, vice MR W H SUTTON, who is proceeding to England

Nairobi,
13th April, 1920

W KENNEDY,
Acting Chief Veterinary Officer

GENERAL NOTICE No 426

THE BRANDING OF STOCK ORDINANCE, 1907, SCHEDULE A

BRANDS REGISTERED DURING THE QUARTER ENDED MARCH 31ST, 1920

Name of Owner in full	Address	District for which Brand is required	Brand allotted	No of Certificate	Date of Registration
Karuna Flaz Co, Ltd	P O Eldoret	Ravine	G 3 K	884	Jan 5th, 1920
Wetherell, Marmaduke Cordeux	do	"	G 4 W	885	," 6th "
Doimer and Bellasis	"Doondu Plantation," P O Kyambu	Kyambu	E D 2	886	," 8th "
Buchanan, Ronald Gray	"Chapswareta Estates," P O Kericho	Lumbwa	T 2 B	887	," 17th "
Bahati Estates	P O Nakuru	Naivasha	V B 0	888	," 20th "
Armstrong, Major Sydney	P O Nyeri	Nyeri	K 1 A	889	," 22nd "
Dobbie, Ewart	"Changet Estate," Koru	Lumbwa	T D 1	890	," 23rd "
Sladen, Gerald Carew	P O Njoro	Naivasha	V 5 M	891	," 23rd "
Curry, Brian H	C/o L J Fey, Naivasha	Naivasha	V C 8	893	," 26th "
B E A, Disabled Officers Colony	P O Kericho	Lumbwa	T D 0	894	," 26th "
Sheikh and Amirkhan	do	"	T 5 A	895	Feb 5th "
Cruden, Harry	P O Box 156, Nairobi	Kyambu	E M 6	897	," 9th "
Campbell, Sir John A C	"Kilbryde Estate," Kyambu	"	E C 4	898	," 9th "
Findlay and Leach	P O Nakuru	Naivasha	V 6 F	899	," 12th "
Azulay, J E	Auctioneer, Nairobi	Nairobi	† 4 A	900	," 13th "
Hall, William	Kamiti Bridge, Kyambu	Kyambu	E H 8	901	," 16th "
Aberdare Flax & Trading Co	P O Naivasha	Naivasha	V 5 T	902	," 21st "
Butler Bros	"Kepchomo," P O Songhor	Nandi	P 1 B	903	," 23rd "
Tualoni Estate	P O Chania Bridge	Machakos	B 2 T	904	," 27th "
Africa Inland Mission Industrial School	P O Kijabe	Naivasha	V 9 M	905	," 28th "
Freeman, James Patrick	P O Chania Bridge	Fort Hall	J 2 F	906	Mar 4th "
Bennet, Edward	Molo River Estate, Nakuru	Naivasha	V 9 B	907	," 5th "
Lumsden, James	P O Gilgil	"	V 0 L	908	," 5th "
Biggs, Capt Edward Kenneth	Juja Farm, P O Ruiru	Kyambu	E 8 B	909	," 8th "
King, Leonard Francis	P O Gilgil	Naivasha	V 0 K	910	," 8th "
Freislich, Arthur Leopold	P O Njoro	"	V 7 F	911	," 11th "
Scott, Lord Francis	do	"	V F 7	913	," 13th "
Dickins, Ray Terace	Newells Farm, Nakuru	"	V D 2	914	," 18th "
King and Arnold	Ifold Farm, Kericho	Lumbwa	T 3 K	915	," 20th "
Anstey, Alec C	P O West, Kenya	Nyeri	K 2 A	916	," 25th "
Stanning, H D	P O Nakuru	Naivasha	V 0 H	917	," 27th "

BRANDS TRANSFERRED DURING THE QUARTER ENDED MARCH, 31ST, 1920

No of Original Certificate	Diagram of Brand	Name and Address of Transferor	Name and Address of Transeree	Date of Transfer	No of Transfer Certificate
191	V 1 W	Whitelock, C E, Eldoret	Shamba Flax & Land Development Co Ltd, P O Eldoret	Jan 24th, 1920	892
853	G 4 R	Uasin Gishu Auctioneers, P O Eldoret	Godfrey, Hopwood & Murrell, P O Eldoret	Feb 9th ,	896
631	T 1 X	Paterson, A, P O Molo	The Turi Butchery, P O Turi	Mar 11th ,	912

BRANDS CANCELLED DURING THE QUARTER ENDED MARCH 31ST, 1920

No of Certificate	Diagram of Brand	Name and Address of Owner	Date of Cancellation
5	B 1 B	Blayney, R, Kapiti Plains	January 7th, 1920
6	A 1 B	Baker, Mrs Sandbach, Nairobi	do
34	B 1 L	Linton and Burton, Athi River	do
19	E 7 L	Ellis, J B, Kyambu	do
33	E 1 K	Kendell, G S, Kyambu	do
37	E 2 M	Milne, S, Kyambu	do
43	E 1 R	Redford, P W, Kyambu	do
44	E 2 R	Robinson, W, Kyambu	do
82	E 7 M	Logan, J, Mbagathi River	do
83	B 4 S	Slatter, Capt A A, Machakos	do
89	E K	Marsh, Dr A, Kirawa, Kyambu	do
90	V 2 D	Dymond, E C, Kedong Valley	do
91	E 4 B	Buxton, T F V, Limuru	do
97	B AP	Pease, Sir A E, Machakos	do
100	E 1 F	Fein, H, Nairobi	do
108	B HP	Penton and Bunbury, Donyo Sabuk	do
175	E C S	Schwartzil, C A, Nairobi	do
213	A 1 D	Dawson, C M, Nairobi	do
217	E 2 N	Waters, Neilson and Devin, Escarpment	do
320	B 2 G	Graham, W, Magadi Junction	do
232	E 4 K	Krieger, F W, Kyambu	do
230	F 3 C	Cloete, G S, Ndaregu, Kyambu	do
234	E 4 C	Campbell, C, Limuru	do
242	G 1 H	Herd, Dr W H, Uasin Gishu	do
312	P 1 G	Garvie Bros, Nandi	do
335	B 3 B	Williams, P B, Magadi Junction	do
352	E K M	Kay Mouat Ltd, Kikuyu	do
358	B 2 S	Sheen, Trevor, Magadi Junction	do
359	E 8 C	Cundey, E W, Kyambu	do
383	E 7 B	Lambert and Buyl, Chania Bridge	do
406	A 1 X	Wright and Wells, Nairobi	do
470	P 1 H	Ireland, H R H, Muholoni	do
503	B 2 N	Nicholls, L, Magadi	do
29	E 8 H	Hurlburt, Rev C E, Kijabe	February 17th, 1920

Nairobi,

April 12th, 1920

J E HARRISON,

Registrar of Brands

GENERAL NOTICE NO 427

STAGE PLAYS LICENSED DURING QUARTER ENDING 31st MARCH, 1920

Serial No	Name of Play	Author	Licence issued		No of Licence
			at	on	
164	D Gusmao	?	Mombasa	Dec 31st, 1919	395
165	Thieves in the Night	?	Nairobi	Jan 7th, 1920	135
166	Revue More Bits	F Norman	do	7, 8, 10 Jan	136
167	Ware Case	George Playdell	do	24, 25, 26, 28 February	137

Nairobi,

April 12th, 1920

W K NOTLEY,

Commissioner, East Africa Police

GENERAL NOTICE No 428

EAST AFRICA PROTECTORATE.

Comparative Statement of the EXPENDITURE of the East Africa Protectorate,
for the period ended 30th September, 1919

Head of Expenditure	Estimated Expenditure 1919-1920	Actual Expenditure September 30-1919	Expenditure for same period of preceding year	Increase	Decrease
Rent and Interest, etc	17,000	8,500	8,500		
Pensions and Gratuities	13,600	6,342	5,290	1,052	
His Excellency the Governor	8,813	5,107	3,054	2,053	
Secretariat	7,659	3,389	3,299	90	
"Official Gazette," etc	8,410	7,143	4,522	2,621	
Ditto Special Expenditure	900	71	12	59	
Provincial Administration	187,694	71,080	67,223	3,857	
Ditto Special Expenditure	8,097	1,186	1,428		242
Treasury	11,220	5,380	5,270	110	
Customs Department	20,196	11,834	9,365	2,469	
Port and Marine Departments	7,881	3,096	3,372		276
Ditto Special Expenditure	320	195	334		139
Audit Department	5,640	2,362	1,829	533	
Legal Departments	22,261	10,522	10,239	283	
Police	73,287	30,572	34,591		4,019
Prisons	23,318	12,803	14,732		1,929
Medical Departments	93,162	31,744	23,952	7,792	
Ditto Special Expenditure					
Laboratories	4,910	2,216	2,216		
Education	21,842	8,002	5,734	2,268	
Transport	5,579	2,530	2,138	392	
Ditto Special Expenditure	2,700	194			194
Military Expenditure	118,719	49	40,858		40,809
Ditto Special Expenditure	77,361	41,516	450	41,066	
Miscellaneous Services	8,995	9,268	3,567	5,701	
Post Office and Telegraphs	72,022	33,580	26,633	6,947	
Ditto Special Expenditure	7,428	1,844	2,083		239
Railway Department	561,236	274,061	231,845	42,216	
Ditto Special Expenditure	2,000	1,532	1,589		57
Busoga Railway	44,600	23,214	22,117	1,097	
Port Bell-Kampala Railway	6,166	3,643	1,965	1,683	
Agricultural Department	61,552	25,829	19,346	6,483	
Ditto Special Expenditure	4,557	584	368	216	
Forest Department	15,041	6,823	5,992	831	
Game Department	3,431	1,740	1,581	159	
Trigonometrical and Topographical Survey Department	3,660	2,109	15,715		13,606
Land Department	43,721	21,618	3,621	17,997	
Public Works Department	43,081	18,245	15,316	2,929	
" " Recurrent	77,807	37,760	27,822	9,938	
" " Extraordinary	43,988	27,664	16,784	10,880	
Coast Land Settlement	4,611	1,908	1,659	249	
Interest	7,500	66	1,603		1,537
Mineral Survey Department	1,000	620		620	
Special Expenditure for Magadi		48	4,650		4,602
War Expenses Protectorate Share of		262,984	73,282	189,702	
Total £	1,752,965	1,040,590	725,946	362,293	67,649

Nairobi,

April 1st, 1920

W A KEMPE,

Treasurer

GENERAL NOTICE No 429

EAST AFRICA PROTECTORATE.

Comparative Statement of the REVENUE of the East Africa Protectorate,
for the period ended 30th September, 1919

Heads of Revenue	Estimates 1919-20	Actual Revenue to 30 9-19	Revenue for same period of preceding year	Increase	Decrease
Customs	£ 157,220	£ 81,019	£ 88,981		7,962
Port, Harbour, etc	1,500	575	413	162	5,168
Licences, Excise, etc	388,510	143,775	148,943		6,329
Fees of Court or Office, etc	64,514	31,483	37,812		
Re-imbursements by other Governments	18,994	9,819	4,644	5,175	
Post and Telegraphs	81,245	40,680	35,456	5,224	
Government Railways	631,700	275,527	312,582		37,055
Government Railways, Special	106,000	56,463	45,021	11,442	
Busoga Railway	44,600	15,492	13,205	2,287	
Port Bell-Kampala Railway	6,166	2,100	2,697		597
Rents	53,350	12,085	11,156	929	
Interest	16,530	5,435	3,140	2,295	
Miscellaneous Receipts	61,000	45,578	2,510	43,068	
Sale of Government Property	10,685	5,090	12,775		7,685
Land Sales	4,250	6,310	11,313		5,003
Land Sale (not earmarked)	9,451				
Total £	1,655,715	731,431	730,648	70,582	69,799

Nairobi,
April 1st, 1920

W. A KEMPE,
Treasurer

GENERAL NOTICE No 430

EAST AFRICA PROTECTORATE

Statement of Assets and Liabilities on 30th September, 1919

LIABILITIES	Amount			ASSETS			
	£	s	d	£	s	d	
Subsidiary Coinage	18,164	2	3	Advances	44,379	17	10
Suspense—Sundry Accounts	60,769	17	8	Gen Unallocated Stores, P W D	97,411	4	1
Suspense—War Office	69,694	1	10	Gen Unallocated Stores, U Ry	185,982	1	3
General Post Office London	3,207	19	3	Gen Unallocated Trade Goods	192	13	2
General Post Office, Union of South Africa	716	3	6	Suspense Account, War Expenses	1,125,900	7	7
Drafts and Remittances	5,649	9	6	„ „ K A Rifles	2,058,638	15	0
Deposits —				War Expenses—Common Charges	7,433,534	3	5
Uganda Ry Steamer Depreciation Fund	87,562	3	7	Investments —			
Savings Bank	67,228	13	1	Investment of Surplus Fund	£7,046	7	5
National Bank of India Guarantee	10,960	0	0	Savings Bank	£55,000	0	0
Sundry Deposits	347,174	6	10	Uganda Railway Steamer Depreciation Fund	£87,562	3	7
Loans —				National Bank of India Guarantee	£10,960	0	0
Loan of £375,000 Unexpended balance	£54,029	7	4	Cash lent at Interest by Crown Agents	0	0	0
Less Amount overspent on instalments of loan of £250,000	£30,537	8	3				
	£23,491	13	1				
Loan of £1,868,000 Unexpended balance of first instalment	£1,182	5	10				
	24,674	4	11				
Loan to meet War Expenses—Common Charges	10,426,304	8	2				
Excess of Assets over Liabilities	145,134	16	9				
Total £	11,267,240	7	4				
				Total £	11,267,240	7	4

Nairobi,
April 1st, 1920

W. A KEMPE,
Treasurer.

GENERAL NOTICE No 360

THE CROWN LANDS ORDINANCE, 1915

NOTICE

SALE OF LEASES IN RESPECT OF EUROPEAN
BUSINESS PLOTS, NAIROBI

NOTICE is hereby given that leases in respect of the Business Plots specified in the schedule hereto will be sold by auction at Nairobi in the Railway Institute on Thursday the 10th June, 1920, commencing at 10 a.m.

Plans of the sites may be seen at the Public Map Office, attached to the Survey Department, Nairobi, or may be had on application to the above office on payment of Rs 2/- post free.

The right to withdraw any plots from the auction is reserved to Government.

CONDITIONS

1 Europeans only may bid and purchase (Non-British subjects will require the consent of the Governor in writing.)

2 Each plot shall be auctioned separately.

3 The highest bidder shall be the purchaser, and, if any dispute arise as to any bidding, the plot shall be put up again at the last undisputed bidding.

4 The amount of the advance of each bidding shall be regulated by the auctioneer and no bidding shall be retracted.

5 Each purchaser shall pay to the auctioneer immediately on the fall of the hammer a deposit of 20% of his purchase money. In default of such payment the plot may be immediately re-offered for sale and any subsequent bid by the person who has made default may be ignored or refused.

6 The balance of the purchase money may be paid in full on the issue of the lease or may be paid by four equal annual instalments payable on the first day of January in each year, the first of such instalments to be paid on the first day of January, 1921. The purchaser shall also pay interest at the rate of 8 per centum per annum on the unpaid portion of the purchase money, such interest to be paid on the first day of July, 1920, and subsequently on the first day of January in each year. Unless each such instalment and the interest on the unpaid portion of the purchase money is paid on the date on which it falls due they shall be deemed to be added to the annual rent reserved in the lease and shall be payable and recoverable as such.

7 The lease shall be for 99 years and shall commence from the 1st day of July, 1920, and the rent shall be payable from that date.

8 No building shall be erected on any plot unless plans, drawings, elevations and specifications thereof shall have been previously submitted to and approved by the Land Officer or such other person as he may appoint.

9 The Lessee shall further submit a block plan of the plot with the position of the building clearly defined and showing a system of drainage, which shall satisfy the Medical Officer of Health, for properly dealing with the surface water on the plot and, before any building may be occupied, the Lessee shall satisfy the Medical Officer of Health that such system of drainage has been properly constructed.

10 Each Lessee shall suitably connect his premises with any town drainage system when in the opinion of the Medical Officer of Health such drainage scheme is so far completed as to enable the Lessee reasonably so to connect.

11 The Government or such person as may be appointed for the purpose shall have the right to enter upon any plot and lay and have access to water mains and service pipes, telegraph or telephone wires and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any building in such a way as to cover or interfere with any existing routes, main or service pipes or the telegraph or telephone wires and electric mains aforementioned.

12 Every purchaser shall bear the cost of deeds, stamp duty, registration and survey fees, and all other expenses if any connected with the purchase of the plot.

13 Each purchaser shall erect on his plot within 3 years of the commencement of his lease a building constructed of stone, brick or concrete.

14 At no time during the term of the lease shall any building erected on the plot be used for the purpose of a private dwelling house.

15 At no time during the term of the lease shall any plot or any portion thereof or any building erected on the plot be used for the purpose of carrying on any of the trades specified in the schedule hereto.

SCHEDULE REFERRED TO IN CONDITION NO 15

Blood-boiler
Bone-boiler
Fellmonger
Soap-boiler
Tallow melter
Tripe-boiler
Blood drier
Leather-dresser
Tanner
Fat melter or extractor
Glue-maker
Size scraper
Gut-scraper
Knacker
Slaughterer of animals
Storage of hides
Bacon curing
Artificial manure-making
Oil cloth and linoleum making
India rubber making
Varnish making and oil boiling
Paper-making
Manufacture of alkali
Trades associated with the generation of irrespirable gases
Manufacture of horse-hair
Wool-sorting
Trades associated with the use of poisonous metals
Or any other trade or business which may be declared to be dangerous or offensive by notice in the "Official Gazette"

General Notices No 270 dated the 6th March, 1920 and No 343 dated the 22nd March, 1920, are hereby cancelled.

Nairobi,

29th March, 1920

H T MARTIN,
Commissioner of Lands

SCHEDULE

April 21, 1920

THE OFFICIAL GAZETTE

427

Plot No	Section No	L O No	Situation	Area	Upset price	Rent per annum	Term of Lease	Cost of Deed	Survey Fees	Proportionate rental from 1st July, 1920, to 31st December, 1920
7	XVIII	209/ 771	Government Road	3750 sq ft	Rs 1000	Rs 280	99 years	Rs 10	Rs 42/50	Rs 140/-
8	"	209/ 772	"	6733 "	1795	502	"	"	"	" 251/-
1	XIV	209/1320	Stewart Street	5000 "	1905	534	"	"	"	" 267/-
2	"	209/1321	"	5000 "	1905	534	"	"	"	" 267/-
3	"	209/1322	Seventh Avenue	4000 "	1066	298	"	"	"	" 149/-
4	"	209/1323	"	4000 "	1066	298	"	"	"	" 149/-
5	"	209/1324	Sadler Street	5000 "	1905	534	"	",	"	" 267/-
6	"	209/1325	"	5000 "	1905	534	"	"	"	" 267/-
9	IX	209/1311	Stewart Street	6500 "	2480	694	"	"	"	" 347/-
10	"	209/1312	" "	6500 "	2480	694	"	"	"	" 347/-
11	"	209/1313	" "	6500 "	2480	694	"	"	"	" 347/-
7	X	209/1314	" "	7132 "	2720	762	"	"	"	" 381/-
8	"	209/1315	Eliot Street	7132 "	3170	888	"	"	"	" 444/-
9	"	209/1316	Stewart Street	7132 "	2720	762	"	"	"	" 381/-
10	"	209/1317	Eliot Street	7132 "	3170	888	"	"	"	" 444/-
11	"	209/1318	Stewart Street	7132 "	2720	762	"	"	"	" 381/-
12	"	209/1319	Eliot Street	7132 "	3170	888	"	"	"	" 444/-
23	I	209/ 554	Victoria Street	3750 "	1000	280	"	"	"	" 140/-
23	III	209/1283	Fifth Avenue (City Square)	5057 "	3370	944	"	"	"	" 472/-
24	"	209/1284	"	4403 "	2850	658	"	"	"	" 329/-
4	IV	209/ 901	Sixth Avenue	7350 "	4900	1372	"	"	"	" 686/-
5	"	209/ 900	" "	7500 "	5000	1400	"	"	"	" 700/-
6	"	209/ 992	" "	7500 "	5000	1400	"	"	"	" 700/-
7	"	209/ 915	" "	7500 "	5000	1400	"	"	"	" 700/-
8	"	209/ 916	" "	7500 "	5000	1400	"	"	"	" 700/-
9	"	209/ 917	" "	7500 "	6000	1680	"	"	"	" 840/-
16	"	209/1285	Y M C A Street	5155 "	1720	482	"	"	"	" 241/-
17	"	209/1286	"	5155 "	1720	482	"	"	"	" 241/-
18	"	209/1287	Haldinge Street	7808 "	1165	1166	"	"	"	" 583/-
19	"	209/1288	"	6255 "	3386	934	"	"	"	" 467/-
20	"	209/1289	Y M C A Street	4848 "	1616	452	"	"	"	" 226/-
21	"	209/1290	Fifth Avenue (City Square)	6465 "	3450	966	"	"	"	" 483/-
22	"	209/1291	" "	5000 "	2222	622	"	"	"	" 311/-
23	"	209/1292	" "	7500 "	3333	933	"	"	"	" 466/50
25	"	209/1294	" "	7369 "	3275	917	"	"	"	" 458/50

SCHEDULE --(Contd.)

Plot No	Section No	L O No	Situation	Area	Upset price	Rent per annum	Term of Lease	Cost of Deed	Survey Fees	Proportionate rental from 1st July, 1920, to 31st December, 1920
27	IV	209/1296	Fifth Avenue (City Square)	9746 sq ft	Rs 4332	Rs 1212	99 years	Rs 10	Rs 42/50	Rs 60/-
11	V	209/1298	Stewart Street	9878 "	" 3293	" 922	"	"	"	" 461/-
12	"	209/1299	Eliot Street	7225 "	" 2410	" 675	"	"	"	" 357/50
13	"	209/1300		7225 "	" 2410	" 675	"	"	"	" 337/50
14	"	209/1301	Fifth Avenue (City Square)	7875 "	" 3500	" 980	"	"	"	" 490/-
15	"	209/1302	" "	7875 "	" 3500	" 980	"	"	"	" 490/-
8	VI	209/1303	Stewart Street	9525 "	" 3175	" 889	"	"	"	" 441/50
9	"	209/1304	Sadler Street	6036 "	" 2685	" 752	"	"	"	" 376/-
10	"	209/1305	" "	6023 "	" 2675	" 750	"	"	"	" 375/-
11	"	209/1306	" "	6023 "	" 2675	" 750	"	"	"	" 375/-
12	"	209/1307	" "	6006 "	" 2670	" 748	"	"	"	" 374/-
1	VII	209/1308	" "	4952 "	" 1650	" 462	"	"	"	" 231/-
2	"	209/1309	" "	4952 "	" 1650	" 462	"	"	"	" 231/-
3	"	209/1310	" "	4452 "	" 1484	" 416	"	"	"	" 208/-
1	XXIX	209/1264	Government Road	6120 "	" 1630	" 456	"	"	"	" 228/-
2	"	209/1265	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
3	"	209/1266	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
4	"	209/1267	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
5	"	209/1268	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
6	"	209/1269	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
7	"	209/1270	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
8	"	209/1271	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
9	"	209/1272	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
10	"	209/1273	" "	6120 "	" 1630	" 456	"	"	"	" 228/-
11	"	209/1274	" "	6120 "	" 1630	" 456	"	"	"	" 228/-

GENERAL NOTICE No 210

NOTICE

INVITATION FOR TENDERS FOR AN AREA OF LAND
CONSIDERED SUITABLE FOR THE PRODUCTION
OF SUGAR CANE

UNDER instructions from the Secretary of State, tenders are invited under the following conditions for the purchase of the lease of an area of 6716 acres of land considered suitable for the production of sugar cane described in the schedule hereto and situate on the Uganda Railway between Kibigoni and Kibos at an altitude of about 4000 feet

1 The lease will be for a term of 99 years from the 1st September, 1920, at an annual rental of £44 15-4 payable either at the office of the Crown Agents for the Colonies in London or the Land Office, Nairobi, on the 1st of January in each year

2 Ten per cent of the purchase price together with proportionate rental to the 31st December, 1920, must be paid forthwith by the successful tenderer and the remainder by 9 equal yearly instalments on the 1st January in each year

Survey fees, registration fee and stamp duty as stated in the schedule hereto must be paid at the Land Office, Nairobi, upon the issue of the lease

3 The premises to be used for the purpose of growing, cultivating and manufacturing sugar and purposes ancillary thereto

4 The Lessees to covenant to expend £50,000 upon cultivation, buildings and plant for the production of sugar to the satisfaction of the Land Officer

5 Prior to the fulfilment of condition No 4 above the Lessees shall not assign or sub-lease the whole or any part of the premises without first obtaining the consent in writing of the Governor of the East Africa Protectorate

6 Upon the fulfilment of the condition No 4 hereof the Lessees shall have the option of exchanging their lease for an ordinary lease for a term of 999 years under the usual conditions of the Crown Lands Ordinance, 1915, respecting use, development and transfer

7 No tender of less than £16,790 payable either in London or Nairobi will be considered

8 Tenders to be received by the Land Officer, Nairobi, or the Under Secretary of State for the Colonies on or before the 1st July, 1920

The highest or any other tender will not necessarily be accepted

Plans of the area may be seen at the offices of the Crown Agents for the Colonies or at the Land Department, Nairobi, British East Africa, or may be obtained on application to the latter at a cost of Re 1/- post free

Note —The above notice is subject to correction on receipt of copy of a notice which is being published in London by the Secretary of State

SCHEDULE

Situation	Area	Rent per annum	Term	Survey fees	Reg Fee
Nos 1593, 1594, 1596, 1597, 1598, 1599 between Kibigoni and Kibos	6716 acres	£44-15-4	99 years from 1st Sept., 1920, with option of extension to 999 years	Rs 1,130	Rs 10

Proportionate Rental

1st September, 1920 to 31st December, 1920
£14-18-6

Nairobi,
February 12th, 1920

H T MARTIN,
Commissioner of Lands

GENERAL NOTICE No 382

NOTICE

TIMBER CUTTING RIGHTS, TIMBOROA FOREST

APPLICATIONS are invited for the timber cutting rights in an area of the Tinderet Forest Reserve near Timboroa approximately 6300 acres in extent and bounded on the North by L O No 1858 on the East by L O No 1859 and on the South by L O No 1860

2 The successful applicant will receive a licence the terms and conditions of which may be obtained from the undersigned

3 In the event of there being two or more applicants of equal merit the cutting rights may be put up to tender or auction, in which case the royalty to be paid per cubic foot on trees measured standing will be the basis of tender or auction

4 Applications will be received up till the 15th July, 1920

5 The undersigned does not bind himself to entertain any application

Nairobi,

7th April, 1920

E BATTISCOMBE,
Conservator of Forests

GENERAL NOTICE No 383

NOTICE

GRAZING IN LANGATA FOREST

TENDERS are invited for the grazing rights on the grass glades in the Southern part of the Ngong Forest Reserve (Langata Forest) and estimated to cover an area of 600 acres for 3 years from the 1st June, 1920

2 The successful tenderer will be given a licence the terms of which may be seen at the office of the undersigned. The glades may be inspected by arrangement with the Forester, Ngong Road

3 The basis of tender to be an annual licence fee payable in advance on the date of issue of the licence and thereafter on the first day of June in the two succeeding years

4 Tenders will be opened on the 15th May 1920

5 The highest or any tender will not necessarily be accepted

Nairobi,

7th April, 1920

E BATTISCOMBE,
Conservator of Forests

SHIPPING REPORT.**KILINDINI HARBOUR.**

MONTH OF MARCH, 1920

Name of Vessel	Captain	Gross Tons	Cargo	Nationality	To Whom Consigned	From	Date		Bound to
							Arr	Dep	
S S Berwick Castle	C R Purse	5891	General	British	The U C Mail S/S Co, Ltd	London	1919 Oct 15	1920	Still in Harbour
„ Trefusis	Bulace	5298	„	„	S M & Co	D Salaam	1920 Feb 22	Mar 2	Marseilles
„ Ulefos	Petersen	2947	„	Norwegian	The B E A Corporation Ltd	Christiana	„ 24	„ 2	Madagascar
„ Knowsley Hall	Manship	4190	„	British	The A Mercantile Co, Ltd	Zanzibar	Mar 2	„ 6	Liverpool
„ Karoa	Elton	7009	„	„	S M & Co	Bombay	„ 5	„ 6	Durban
„ Roma	Cogholo	3952	„	Italian	The Marittima Italiana	Durban	„ 6	„ 7	Genoa
„ Karapara	J F Downing	7117	„	British	S M & Co	„	„ 6	„ 7	Bombay
„ Diujba	Loo Kashewitch	3810	„	Russian	The Marittima Italiana	Genoa	„ 8	, 17	Zanzibar
„ Favignana	G B Govi	3719	„	Italian	do	Durban	„ 10	„ 10	Genoa
„ Clan MacEwen	F Makepeace	6551	„	British	The A Mercantile Co, Ltd	Beira	„ 15	„ 20	Tanga
„ Umwuma	Clarke	4399	„	„	The U C Mail S/S Co, Ltd	Durban	„ 16	„ 17	Port Sudan
„ Sherard Osborn	Payton	1429	„	„	E Telegraph Co	Zanzibar	„ 21	„ 25	Zanzibar
„ Karagola	Whytehead	7023	„	„	S M & Co	Durban	„ 22	„ 23	Bombay
„ Gaika	Samuel	6392	„	„	The U C Mail S/S Co, Ltd	London	„ 23	„ 31	Durban
„ Taroba	O'Sullivan	6309	„	„	S M & Co	Bombay	„ 23	„ 24	,
„ Cupid	D Suleman	611	„	Zanzibar	A A Visram	D-Salaam	„ 24	„ 25	Dar es Salaam
„ Porto di Alessandretta	G Merlo	4175	„	Italian	The Marittima Italiana	Genoa	„ 24	„ 24	Durban
„ Clan MacEwen	F Makepeace	6551	„	British	The A Mercantile Co, Ltd	Tanga	„ 24	„ 29	London
„ Grantully Castle	Lang	7612	„	„	The U C Mail S/S Co, Ltd	London	„ 26	„ 30	,
„ Clan Sinclair	F T Mee	5215	„	„	The A Mercantile Co, Ltd	Liverpool	„ 27		Still in Harbour
„ Winderer	Nicholas	4087	„	„	do	Tanga	„ 28		,
„ Norefos	Ivensen	1788	,	Norwegian	The B E A Corporation Ltd	Christiana	„ 30		,
„ Nerv	L Gualbeit	5548	„	French	M M	Marseilles	„ 30	„ 31	Mauritius
„ Musician	Hairaden	4764	„	British	The A Mercantile Co, Ltd	Liverpool	„ 31		Still in Harbour
„ Prinzessin	A Neagle	6387	„	„	The U C Mail S/S Co, Ltd	London	„ 31		,

MEN-OF-WAR.

H M S Odin	Brandon			British		Lamu	1920 Mar 21	1920 Mar 26	Zanzibar
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MOMBASA HARBOUR.**SAILING SHIPS.**

B Ktu Amena Khuatoon S S Cupid „ Tuna „ Khalifa	Naran Hansraj D Suleman J Menising Mussa	79 611 662 609	Tiles General British Zanzibar	British Zanzibar	Allen Wack and Shepheid Ltd A A Visram do do	Mangalore Zanzibar Aden Zanzibar	1920 Feb 18	1920 Mar 13	Mozambique Zanzibar Still in Harbour
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H W TURNER,
Port Officer.