

EAST AFR. PROT
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PER 7 NOV 17

M. G. Pennington

1917

Nov.

Last previous Paper.
Nov / 499/17

Pension to widow of Brown O'Brien

Request statement of cause of death of
do. O'Brien

Mr Robinson

Unfortunately the death certificate in
10568 was returned to the Protectorate. It is assumed
that 10/- a week is being paid to Mrs Green, so we
might ask the O.A.B. by despatch to let us know
by telegraph the cause of death?

Under the W.A.P. that we have done so
by 10.11.17

J. A. Tance

Room 5

And
Copy sent Brown O'Brien } 15 Nov 17
for to Mr G.P. }
Copy carried 20.7.17 } 20/20/20

Next subsequent Paper.
Nov / 520/18

(c) Interference with the working of telegraphs and telephones by leakage or induction.

The occurrence of difficulties under this heading is provided for in Clause 121 of the draft Ordinance which follows textually Clause 69 of the Electric Lighting (Clauses) Act, 1899, except that the Governor takes the place of the Board of Trade. This Clause is considered to be sufficient for the purpose in view, and as regards State-owned telegraphs and telephones is supplemented, as already pointed out, by any law which the Postmaster General may possess in law - See Clauses 56 (3) and 57 (3) of the Bill.

Summing up, it may be stated that in the absence of a draft of the proposed Government Regulations it is not possible to state definitely that the state-owned telegraph and telephone systems will be sufficiently protected in the matter of the earthing of the Power Systems, or that the draft Ordinance provides satisfactory means whereby the Postmaster General of the Protectorate can make adequate requirements for the protection of his telegraph and telephone plant from the danger of physical contact with Power plant. If the requirements in this latter respect are not to be made by the Governor under Clause 50 of the Ordinance and there is no provision in the Government Regulations for the serving of a notice on the Postmaster General on which requirements can be made by him, then it would appear to be necessary that provision should be made in the Ordinance itself to that effect. It is very desirable that guarding or stipulations as to clearance etc., should be arranged for before Power plant is erected in proximity to telegraph or telephone circuits.

(Sgd.) A.J. Stubbs,
Assistant Engineer-in-Chief.
13 October, 1917.

Memorandum by Solicitor.

I agree, generally speaking, with the observations of the Engineer-in-Chief, subject to the following remarks:-

S.14 of the Schedule to the Clauses Act 1899 (& the corresponding clause of the draft Ordinance) relates to works in streets. But there is also the general enactment of S.26 of the Electric Lighting Act, 1899, that electric lighting undertakers shall not injuriously affect P.O. Telegraphs, & provision for notice to be given before electric works are done within 10 yards of such telegraphs, & power to the Postmaster General to make requirements.

It may be that there is some such provision already in the general law of the Protectorate, & that this is what is referred to in Clauses 56 (3) & 57 (3) of the draft Ordinance. If not, something beyond Clause 50 seems to be required, unless it is intended to insert a provision in the Licences or the Regulations for the protection of the Government Telegraphs.

Then there is the question of alteration of Government Telegraphs. Government Telegraphs can apparently be altered under Clause 60 of the draft Ordinance. Is there a provision in the law of the Protectorate similar to S.7 of the Telegraph Act, 1878? If so, it should be saved, as S.7 of the Act 1878 is

saved

in operation some time, as a result of bad management on the part of the Power Authority.

Taking the readings in turn, (a) is dealt with in Clause 49 of the Bill and follows textually Clause 10 of the Electric Lighting (Clauses) Act, 1899, the Governor taking the place of the Board of Trade, except that provision for the concurrence of the Postmaster General is omitted. Unless, therefore, the Postmaster General has a voice in the matter through the Governor, he is not in a position to make stipulations in the first instance as to earthing, and would have to rely on the provisions covering interference under (c) should such arise. It may be intended, however, that the Governor's approval shall not be given except in accordance with arrangements agreed with the Postmaster General.

(b) Protection against Physical contact.

There appears to be no clause under which the Postmaster General of the Protectorate as such will receive a notice as to the execution of works likely to affect Telegraph or Telephone plants and on which he can make a legal "requirement". Clauses 56 (overhead) and 57 (other works) correspond closely to Clause 14 of the Electric Lighting (Clauses) Act, 1899, in so far as Local Authorities are concerned - but the Postmaster General has been excluded. In this Country the month's notice served under Clause 14 of the Electric Lighting (Clauses) Act, furnishes the means, generally, of obtaining such protection as is necessary to minimise the risk of physical contact between telegraphs and Power wires. The fact that the wording of Clauses 56 and 57 in the draft Ordinance so closely follows that of Clause 14 of the 1899 Act suggests that the omission of any reference to the Postmaster General is deliberate. It is true that section 3 both of Clause 56 and Clause 57 preserves

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the rights of the Postmaster General, but this appears to apply to what may happen after the power plant is in position.

A seven days' notice could no doubt be claimed by the Postmaster General as regards State telegraphs and telephones under Clause 63 of the Bill which corresponds textually with Clause 20 of the Electric Lighting (Clauses) Act, 1899, although this Clause appears to be included for the protection of private owners of telegraph and telephone circuits. There is no recollection of Clause 20 of the Electric Lighting (Clauses) Act, 1899, having been used in this Country on behalf of the Postmaster General.

Notices have to be served on the Governor under Clause 60 (2) of the Bill and it is, of course, possibly the intention that the Governor should make requirements on behalf of the Postmaster General for the protection of State-owned Telegraphs and Telephones.

Clause 64 (1) deals with unauthorised systems, i.e. those not working under License, and follows closely Section 4 (1) of the Electric Lighting Act, 1888, which applies to unauthorised Power Systems in this Country. The protection of the lines and works of the Postmaster General is provided for in this Clause 64 (1) but the actual procedure is to be laid down in rules prescribed by the Governor, a method corresponding to that covered by Section 4 (1) of the 1888 Act under which the Board of Trade prescribe the Regulations. The provisions of Section 4 (2) of the Electric Lighting Act, 1888, whereby in the event of interference the Postmaster General can take action directly against the owner of the Power Supply, have not been included in Clause 64 of the draft Ordinance.

Memorandum by Assistant Engineer in Charge

53345

The Bill has been read and so far as the Protection of the telegraphs and telephones of the Protectorate is concerned it includes provisions similar generally to those contained in the Electric Lighting (Clauses) Act, 1899, and the Electric Lighting Act, 1888, but one of the omissions would appear to be of importance - this is dealt with later on under heading (b).

There are three considerations connected with the protection of telegraph and telephone circuits from Electric Light and Power systems in this Country which are covered by the Electric Lighting Acts. These are:-

(a) The use of earth connections on the Electric Power System.

(b) The arrangements to be made where power lines run in proximity to telegraph and telephone circuits, and there is a possibility of physical contact and consequent risk of damage to telegraphs and telephones.

(c) The possibility that in the actual working of the Power System, telegraphs and telephones may be injuriously affected by induction or leakage currents so as to interfere with communication.

(a) is directly connected with (c) but as the general design of the Power System would be influenced by the manner in which earth connections are permitted this question should be decided in the first instance.

Interference during working - (c) - from other causes cannot always be foreseen when a scheme is projected, and disturbance may of course develop after a system has been

Address reply to—"The Secretary, General Post Office,"

quoting Registered No. 184663/17.

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GENERAL POST OFFICE, LONDON, E.C.1.

31 October, 1917.

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Sir,

With reference to your letter of the 20th ultimo, No. 45,40/1917, I am directed by the Postmaster General to forward for the information of Mr. Secretary Long the enclosed copies of memoranda prepared by an Assistant Engineer-in-Chief and the Solicitor to the Post Office respectively on the subject of the protection of the telegraph and telephone system of the Government of the East Africa Protectorate under the provisions of the draft Ordinance dealing with the supply and distribution of electrical energy in the Protectorate.

I am,

Sir,

Your obedient servant,

Under Secretary of State,
COLONIAL OFFICE.

A. B. ...